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THE

GENERAL STATUTES

OF THE

Commonwealth of Massachusetts

RELATING TO THE

PUBLIC SCHOOLS,

WITH THE

ALTERATIONS AND AMENDMENTS

To 1868.

BOSTON:
WRIGHT & POTTER, STATE PRINTERS,
No. 4 Spring Lane.
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LAWS RELATING TO PUBLIC SCHOOLS.

OF PUBLIC INSTRUCTION AND REGULATIONS RESPECTING CHILDREN.

CHAPTER 34.—Of the Board of Education.
CHAPTER 35.—Of Teachers' Institutes and Associations.
CHAPTER 36.—Of the School Funds.
CHAPTER 37.—Of State Scholarships.
CHAPTER 38.—Of the Public Schools.
CHAPTER 39.—Of School Districts.
CHAPTER 40.—Of School Registers and Returns.
CHAPTER 41.—Of the Attendance of Children in the Schools.
CHAPTER 42.—Of the Employment of Children and Regulations respecting them.

CHAPTER 34.

OF THE BOARD OF EDUCATION.

SECTION
1. Board of education, how organized; term of office; vacancies.
2. —may take grants, devises, &c., in trust for educational purposes; to pay all moneys to treasurer.
3. —shall prescribe form of school registers, and of blanks for returns; transmit abstract of returns, and report to legislature.
4. —may appoint secretary, who shall make abstracts, collect and diffuse information, &c.
5. Secretary shall suggest improvements, visit different places, collect books, receive reports, &c.
6. Secretary shall give notice and attend meetings, and collect information, &c.
7. —shall send blank forms and reports to clerks of towns and cities.
8. Compensation of secretary, and expenses of office.
9. Board may appoint agents to make inquiry, &c.
10. Expenses of board, how paid.
11. Assistant state librarian may act as clerk.

Board of education, how organized; term of members; vacancies. 1837, 241, § 1.

SECTION 1. The board of education shall consist of the governor and lieutenant-governor, and eight persons appointed by the governor with the advice and consent of the council, each to hold office eight years from the time of his appointment, one retiring each year in the order of appointment; and the governor, with the advice and consent of the council, shall fill all vacancies in the board which may occur from death, resignation, or otherwise.

—may take grants, &c., in trust for educational purposes, &c. Duty of treasurer 1850, 88.

SECT. 2. The board may take and hold to it and its successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money or other personal property, made to it for educational purposes; and shall forthwith pay over to the treasurer of the Commonwealth, for safe keeping and investment, all money and other personal property so received. The treasurer shall from time to time invest all such money in the name of the Commonwealth, and shall pay to the board, on the warrant of the governor, the income or principal thereof, as it shall from time to time require; but no disposition shall be made of any devise, donation, or bequest, inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the treasurer he shall be responsible upon his bond to the Commonwealth, as for other funds received by him in his official capacity.

—shall prescribe form of school registers and blanks for returns, &c. 1837, 241, §§ 2, 3. 1838, 105, §§ 5–7. 1846, 223, § 3. 1849, 209.

SECT. 3. The board shall prescribe the form of registers to be kept in the schools, and the form of the blanks and inquiries for the returns to be made by school committees; shall annually on or before the third Wednesday of January lay before the legislature an annual report containing a printed abstract of said returns, and a detailed report of all the doings of the board, with such observations upon the condition and efficiency of the system of popular education, and such suggestions as to the most practicable means of improving and extending it, as the experience and reflection of the board dictate.

—may appoint secretary, who shall make abstracts, &c. 1837, 241, § 2. 1847, 183, § 1. 1849, 215, § 1.

SECT. 4. The board may appoint its own secretary, who, under its direction, shall make the abstract of school returns required by section three; collect information respecting the condition and efficiency of the public schools and other means of popular education; and diffuse as widely as possible throughout the Commonwealth information of the best system of studies and method of instruction for the young, that the best education which public schools can be made to impart may be secured to all children who depend upon them for instruction.

Secretary shall suggest improvements, &c. 1849, 215, § 1. 1858, 61.

SECT. 5. The secretary shall suggest to the board and to the legislature, improvements in the present system of public schools; visit, as often as his other duties will permit,

different parts of the Commonwealth for the purpose of arousing and guiding public sentiment in relation to the practical interests of education; collect in his office such school-books, apparatus, maps, and charts, as can be obtained without expense to the Commonwealth; receive and arrange in his office the reports and returns of the school committees; and receive, preserve, or distribute, the state documents in relation to the public school system.

—shall give notice and attend meetings, &c. 1838, 159, § 1. 1842, 42.

SECT. 6. He shall, under the direction of the board, give sufficient notice of, and attend such meetings of teachers of public schools, members of the school committees of the several towns, and friends of education generally in any county, as may voluntarily assemble at the time and place designated by the board; and shall at such meetings devote himself to the object of collecting information of the condition of the public schools of such county, of the fulfilment of the duties of their office by members of the school committees of all the towns and cities, and of the circumstances of the several school districts in regard to teachers, pupils, books, apparatus, and methods of education, to enable him to furnish all information desired for the report of the board required in section three.

Secretary shall send forms and reports to town clerks, &c. 1850, 41.

SECT. 7. He shall send the blank forms of inquiry, the school registers, the annual report of the board, and his own annual report, to the clerks of the several towns and cities as soon as may be after they are ready for distribution.

Compensation of secretary, and expenses of office. 1849, 215, §§ 2, 3. 1853, 49.

SECT. 8. He shall receive from the treasury, in quarterly payments, an annual salary of two thousand dollars, and his necessary travelling expenses incurred in the performance of his official duties after they have been audited and approved by the board; and all postages and other necessary expenses arising in his office, shall be paid out of the treasury in the same manner as those of the different departments of the government.

Amendment.—Chap. 276, 1867.

[SECT. 1. The secretary of the board of education shall receive an annual salary of three thousand dollars, and also the sum of four hundred dollars in full compensation for travelling expenses to be paid out of the moiety of the school fund applicable to educational purposes.]

Board may appoint agents to make inquiry, &c. Resolves, 1857, 22.

SECT. 9. The board may appoint one or more suitable agents to visit the several towns and cities for the purpose of inquiring into the condition of the schools, conferring with teachers and committees, lecturing upon subjects connected

with education, and in general of giving and receiving information upon subjects connected with education, in the same manner as the secretary might do if he were present.

Expenses of board, how paid. 1838, 55.

SECT. 10. The incidental expenses of the board, and the expenses of the members thereof incurred in the discharge of their official duties, shall be paid out of the treasury, their accounts being first audited and allowed.

Clerk. 1849, 155, § 1.

SECT. 11. The assistant librarian of the state library shall act when necessary as clerk of the board.

CHAPTER 35.

OF TEACHERS' INSTITUTES AND ASSOCIATIONS.

SECTION
1. Board of education to arrange for meeting of teachers' institutes.
2. Expenses of, how paid.
3. Board to regulate length of session and expense.

Teachers' institutes, meetings of. 1846, 99, § 1. 1848, 10. 1849, 62.

SECTION 1. When the board of education is satisfied that fifty teachers of public schools desire to unite in forming a teachers' institute, it shall, by a committee of its body, or by its secretary, or in case of his inability by such person as it may delegate, appoint and give notice of a time and place for such meeting, and make suitable arrangements therefor.

—expenses of, how paid. 1846, 99, §§ 2, 3. 1854, 300, §§ 3, 4. Resolves, 1850, 65.

SECT. 2. To defray the necessary expenses and charges, and procure teachers and lecturers for such institutes, the governor may draw his warrant upon the treasurer for a sum not exceeding three thousand dollars per annum, to be taken from that portion of the income of the school fund not apportioned for distribution to the several cities and towns for the support of public schools.

—length of, and expense. 1846, 99, § 2. 1849, 62. 1852, 216.

SECT. 3. The board may determine the length of time during which a teachers' institute shall remain in session, and what portion, not exceeding three hundred and fifty dollars, of the sum provided for in the preceding section shall be appropriated to meet the expenses of any such institute; and the board, its secretary, or any person by it duly appointed, may draw upon the treasurer therefor.

Chap. 58, 1864, substituted for Sections 4 and 5, G. S.

When meetings held, county associations to receive $25 a year. 1848, 301, § 1.

[SECT. 1. When a county association of teachers and others, holds an annual meeting of not less than two days, for the express purpose of promoting the interests of public

schools, it shall receive twenty-five dollars from the Commonwealth.

To be paid on certificate, &c. 1848, 301, § 2.

SECT. 2. Upon the certificate, under oath, of the president and secretary of such association to the governor, that a meeting has been held in accordance with the provisions of the preceding section, he shall draw his warrant in favor of such association, for the sum aforesaid.

Repeal.

SECT. 3. The fourth and fifth sections of the thirty-fifth chapter of the General Statutes are hereby repealed.]

CHAPTER 36.

OF THE SCHOOL FUNDS.

MASSACHUSETTS SCHOOL FUND.

SECTION
1. School fund, how invested. Income only to be used.
2. Half the income to be distributed for support of common schools. Appropriations for other educational purposes to be paid from other half. Surplus to be added to principal.
3. —apportioned for schools by secretary and treasurer. When towns are not entitled to share.
4. Income received by towns to be applied for support of schools therein.
5. Appropriations for Indians. Account to be rendered.

INDIAN SCHOOL FUND.

6. Indian school fund, how applied, &c.

TODD NORMAL SCHOOL FUND.

7. Todd fund, how applied.

MASSACHUSETTS SCHOOL FUND.

School fund, how invested. Income only to be used. R. S. 11, §§ 13, 14. 1854, 300, §§ 2, 3, 4. 1854, 333.

SECTION 1. The present school fund of this Commonwealth, together with such additions as may be made thereto, shall constitute a permanent fund, to be invested by the treasurer with the appropriation of the governor and council, and called the "Massachusetts School Fund;" the principal of which shall not be diminished, and the income of which, including the interest on notes and bonds taken for sales of Maine lands and belonging to said fund, shall be appropriated as hereinafter provided.

Amendment.—Chap. 53, 1866.

[SECT. 1. The secretary of the board of education and the treasurer and receiver-general shall be commissioners whose duty shall be to invest and manage the Massachusetts school fund, and report annually to the legislature the condition and income thereof. All new investments of said fund, or any part of the same, shall be made with the approval of the governor and council.]

Income, how distributed. 1854, 300, §§ 2, 3. 1858, 96, § 2.

SECT. 2. One-half of the annual income of said fund shall be apportioned and distributed for the support of public schools without a specific appropriation. All money appropriated for other educational purposes, unless otherwise provided by the act appropriating the same, shall be paid from the other half of said income so long as it shall be sufficient for that purpose. If insufficient, the excess of such appropriations in any year shall be paid from any money in the treasury not otherwise appropriated. If the income in any year exceeds such appropriations for the year, the surplus shall be added to the principal of said fund.

—how apportioned for schools. When towns are not entitled to share. R. S. 23, §§ 66, 67. 1846, 223, § 5. 1849, 117, §§ 2, 3.

SECT. 3. The income of the school fund appropriated by the preceding section to the support of public schools, which may have accrued upon the first day of June of each year, shall be apportioned by the secretary and treasurer, and on the tenth day of July be paid over by the treasurer to the treasurers of the several towns and cities for the use of the public schools, according to the number of persons therein between the ages of five and fifteen years, ascertained and certified as provided in sections three and four of chapter forty. But no such apportionment shall be made to a town or city which has not complied with the provisions of sections five and six of said chapter, or which has not raised by taxation for the support of schools during the school year embraced in the last annual returns, including only wages and board of teachers, fuel for the schools, and care of fires and school-rooms, a sum not less than one dollar and fifty cents for each person between the ages of five and fifteen years belonging to said town or city on the first day of May of said school year.

Amendments.—Chap. 98, 1867.

Income of school fund payable to cities and towns, January 25.

[SECT. 1. The third section of the thirty-sixth chapter of the General Statutes is hereby amended, so that the income of the Massachusetts school fund, appropriated to the support of public schools, which shall have accrued on the thirty-first day of December in each year, shall be apportioned by the secretary and treasurer in the manner provided in said section, and paid over by the treasurer to the treasurers of the several cities and towns, on the twenty-fifth day of January thereafter, instead of the times named in said section; and so much of said section as is inconsistent with the provisions of this act is hereby repealed.]

Chap. 142, 1865.

[SECT. 1. No apportionment and distribution of the annual income of the school fund, as provided by the second and

third sections of chapter thirty-six of the General Statutes, shall be made to any town or city which has not complied with the requisitions of the *first* and *second* sections of chapter *thirty-eight*, and the *fifth* and *sixth* sections of chapter *forty* of the General Statutes, and of any amendments to either of said sections; or which has not raised by taxation for the support of schools, during the school year embraced in the last annual returns, including only wages and board of teachers, fuel for the schools, and care of fires and school-rooms, a sum not less than three dollars for each person between the ages of five and fifteen years, belonging to said town or city on the first day of May of said school year.]

Conditions on which income of school fund is apportioned to cities and towns.

Not less than $3 so to be raised.

Chap. 208, 1866.

[SECT. 1. In the distribution of the income of the school fund, for the benefit of the public schools of the state, every city and town complying with all laws in force, relating to the distribution of the same, shall annually receive seventy-five dollars; and the residue of said moiety shall annually be apportioned among the several cities and towns, in proportion to the number of children in each, between the ages of five and fifteen years: *provided, that after the distribution of said moiety of income in the year eighteen hundred and sixty-nine, no city or town in which the district system exists, shall receive the seventy-five dollars herein specifically appropriated.*]

Towns to receive $75.

Proviso.

SECT. 4. The income of the school fund received by the several cities and towns shall be applied by the school committees thereof to the support of the public schools therein, but said committees may, if they see fit, appropriate therefrom any sum, not exceeding twenty-five per cent. of the same, to the purchase of books of reference, maps and apparatus for the use of said schools.

Income received by towns, how applied.

SECT. 5. On the first day of January annually, there shall be paid out of the income of said school fund as follows, viz.: One hundred dollars to the treasurer of the Marshpee Indians, to be applied under his direction to the support of public schools among said Indians; one hundred and sixty-five dollars to the selectmen of the district of Marshpee, under the provisions of chapter thirty-five of the Resolves of the year one thousand eight hundred and fifty-five; sixty dollars to the trustee of the Gay Head Indians; sixty dollars to the guardian of the Indians of Christiantown and Chippequiddic; and twenty dollars to the treasurer of the Herring Pond Indians; to be applied by them in like manner to the support of public schools among said Indians; and an annual account

Appropriations for Indians.

Account to be rendered. R. S. 23, § 68. 1838, 154. 1853, 186, §§ 1, 2. Resolves, 1855, 35.

of the appropriations of said money shall be rendered to the governor and council.

INDIAN SCHOOL FUND.

Indian school fund, how applied, &c. 1837, 85, § 7.

SECT. 6. The income of the school fund for Indians, derived from the surplus revenue of the United States, shall be paid annually in the month of March for public school purposes as follows, viz.: to the treasurer of the district of Marshpee, sixty dollars; to the guardian of the Christiantown and Chippequiddic Indians, seventy-two dollars, one-half thereof for the benefit of said Christiantown and Chippequiddic Indians, and the other half for the benefit of the Gay Head Indians; and to the treasurer of the Herring Pond Indians, eighteen dollars.

THE NORMAL SCHOOL FUND.

Todd fund, how applied. 1850, 63, 88.

SECT. 7. The income of the Todd fund shall be paid by the treasurer of the Commonwealth on the warrant of the governor to the board of education, to be by them applied to specific objects in connection with the normal schools not provided for by legislative appropriation.

CHAPTER 37.

OF STATE SCHOLARSHIPS.

[Repealed, Chap. 210, 1866.]

CHAPTER 38.

OF THE PUBLIC SCHOOLS.

PUBLIC SCHOOLS.

SECTION
1. Each town to have school six months in a year. Branches to be taught.
2. High school in towns of five hundred families. Branches taught. Duration of school. Towns of four thousand inhabitants. Number of families how ascertained.
3. High school districts in adjacent towns, how established.
4. Committee, how chosen. Powers.
5. —to determine location of school-house.
6. Expenses apportioned.
7. Schools may be maintained for those over fifteen years of age.
8. —under superintendence of school committee.
9. Female assistants.
10. Duty of instructors in colleges, &c.
11. —of ministers and town officers.
12. Towns to raise money for schools.
13. Funds of corporations for supporting schools, not affected, &c.
14. Forfeiture for neglect to raise money, &c.
15. Three-fourths of, to be appropriated to schools.
16. School committee, how chosen. Number; term of service.
17. Vacancies, how filled.
18. When whole committee decline, new committee how elected.

SECTION
19. Term of service of person filling vacancy.
20. On election of new board, certain duties of old to continue.
21. Committee, how increased or diminished.
22. —records of; secretary.
23. Committe to contract with teachers, unless, &c.
24. Instructor to receive and file certificate. When and how paid.
25. —may be dismissed. Compensation to cease.
26. Examinations and visits by committee.
27. Bible to be read in schools. Sectarian books excluded.
28. Committee to direct what books to be used. Change of books, how made, &c.
29. —to procure books, apparatus, &c.
30. —for certain scholars at expense of town.
SECTION
31. Expense of books so supplied to be taxed to parents, &c.
32. If parents unable to pay, tax may be omitted.
33. Duty of committee where school is for benefit of whole town.
34. Compensation of committee.
35. Superintendent of schools, appointment, duties and compensation.

SCHOOL-HOUSES.

36. Towns not districted, to maintain school-houses, &c.
37. Location of school-houses.
38. Land may be taken for school-house lots, &c.
39. Owner of land may have jury. Proceedings. Damages and costs.
40 Committee of town not districted to have charge of school-houses.
41. Provisions of chapter to apply to cities, except, &c.

SECTION 1. In every town there shall be kept, for at least six months in each year, at the expense of said town, by a teacher or teachers of competent ability and good morals, a sufficient number of schools for the instruction of all the children who may legally attend public school therein, in orthography, reading, writing, English grammar, geography, arithmetic, the history of the United States, and good behavior. Algebra, vocal music, drawing, physiology, and hygiene shall be taught by lectures or otherwise, in all the public schools in which the school committee deem it expedient.

Each town to have school six months in a year. Branches taught. R. S. 23, § 1. 1839, 56, § 1. 1858, 5, §§ 1, 2. 1859, 263.

Amendment.—Chap. 7, 1862.

[Agriculture shall be taught by lectures or otherwise, in all the public schools in which the school committee deem it expedient.]

Agriculture, teaching of, authorized.

SECT. 2. Every town may, and every town containing five hundred families or householders shall, besides the schools prescribed in the preceding section, maintain a school to be kept by a master of competent ability and good morals, who, in addition to the branches of learning before mentioned, shall give instruction in general history, book-keeping, surveying, geometry, natural philosophy, chemistry, botany, the civil polity of this Commonwealth and of the United States, and the Latin language. Such last mentioned school shall be kept for the benefit of all the inhabi-

High schools in towns of 500 families. Branches taught.

Duration of school. Towns of 4,000 inhabitants. R. S. 23, § 5. 1852, 123. 1857, 206, § 2. 16 Mass. 141. 11 Cush. 178.

tants of the town, ten months at least, exclusive of vacations, in each year, and at such convenient place, or alternately at such places in the town, as the legal voters at their annual meeting determine. And in every town containing four thousand inhabitants, the teacher or teachers of the schools required by this section, shall, in addition to the branches of instruction before required, be competent to give instruction in the Greek and French languages, astronomy, geology, rhetoric, logic, intellectual and moral science, and political economy.

Amendments.—Chap. 208, 1866.

High school 36 weeks.

[SECT. 2. Any town which shall maintain the school required to be maintained by the second section of chapter thirty-eight of the General Statutes, not less than thirty-six weeks, exclusive of vacations in each year, shall not be liable to the forfeiture provided in section first, chapter one hundred and forty-two of the laws of the year eighteen hundred and sixty-five, for non-compliance with the requisitions of the aforesaid second section.] (See chap. 36, sect. 3, 2d amendment.)

Chap. 226, 1868.

No. of families, how ascertained.

[SECT. 1. In order to ascertain that any town is subject to the requirement of *section second*, *chapter thirty-eight* of the General Statutes, the number of families or householders thereof shall be determined by the latest public census which shall have been taken, by the authority either of this Commonwealth or of the United States.]

High school districts in adjacent towns, how established. 1848, 279, § 1.

SECT. 3. Two adjacent towns, having each less than five hundred families or householders, may form one high school district, for establishing such a school as is contemplated in the preceding section, when a majority of the legal voters of each town, in meetings called for that purpose, so determine.

Committee, how chosen. Powers. 1848, 279, § 2.

SECT. 4. The school committees of the two towns so united shall elect one person from each of their respective boards, and the two so elected shall form the committee for the management and control of such school, with all the powers conferred upon school committees and prudential committees.

—to determine location of chool house. 848, 279, § 3.

SECT. 5. The committee thus formed shall determine the location of the school-house authorized to be built by the towns forming the district, or if the towns do not determine to erect a house, shall authorize the location of such school alternately in the two towns.

Expenses apportioned. 1848, 279, § 4.

SECT. 6. In the erection of a school-house for the permanent location of such school, in the support and maintenance of the school, and in all incidental expenses attending the same, the proportions to be paid by each town, unless otherwise agreed upon, shall be according to its proportion of the county tax.

Schools may be maintained for those over 15 years of age. 1857, 189, § 1.

SECT. 7. Any town may establish and maintain, in addition to the schools required by law to be maintained therein, schools for the education of persons over fifteen years of age; may determine the term or terms of time in each year, and the hours of the day or evening during which said school shall be kept; and appropriate such sums of money as may be necessary for the support thereof.

—under superintendence of committee. 1857, 189, § 2.

SECT. 8. When a school is so established, the school committee shall have the same superintendence over it as they have over other schools; and shall determine what branches of learning may be taught therein.

Female assistants. 1839, 56, § 1.

SECT. 9. In every public school, having an average of fifty scholars, the school district or town to which such school belongs shall employ one or more female assistants, unless such district or town, at a meeting called for the purpose, votes to dispense with such assistant.

Duty of instructors in colleges, &c Constitution, Ch. 5, § 2. R. S. 23, § 7.

SECT. 10. It shall be the duty of the president, professors and tutors of the university at Cambridge and of the several colleges, of all preceptors and teachers of academies, and of all other instructors of youth, to exert their best endeavors to impress on the minds of children and youth committed to their care and instruction, the principles of piety and justice, and a sacred regard to truth; love of their country, humanity, and universal benevolence; sobriety, industry, and frugality; chastity, moderation, and temperance; and those other virtues which are the ornament of human society and the basis upon which a republican constitution is founded; and it shall be the duty of such instructors to endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues, to preserve and perfect a republican constitution and secure the blessings of liberty as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

Duty of ministers and town officers. R. S. 23, § 8.

SECT. 11. It shall be the duty of the resident ministers of the gospel, the selectmen, and the school committees, to exert their influence and use their best endeavors that the youth of their towns shall regularly attend the schools established for their instruction.

Towns to raise money for schools
R. S. 23, § 9.
10 Met. 513.

SECT. 12. The several towns shall, at their annual meetings, or at a regular meeting called for the purpose, raise such sums of money for the support of schools as they judge necessary; which sums shall be assessed and collected in like manner as other town taxes.

School funds of corporations not affected, &c.
R. S. 23, § 59.

SECT. 13. Nothing contained in this chapter shall affect the right of any corporation established in a town, to manage any estate or funds given or obtained for the purpose of supporting schools therein, or in any wise affect such estate or funds.

Forfeiture for neglect to raise money, &c.
R. S. 23, § 60.
1839, 135.

SECT. 14. A town which refuses or neglects to raise money for the support of schools as required by this chapter, shall forfeit a sum equal to twice the highest sum ever before voted for the support of schools therein. A town which refuses or neglects to choose a school committee to superintend said schools, or to choose prudential committees in the several districts, when it is the duty of the town to choose such prudential committee, shall forfeit a sum not less than five hundred nor more than one thousand dollars, to be paid into the treasury of the county.

—three-fourths of, appropriated to schools.
R. S. 23, § 61.

SECT. 15. Three-fourths of any forfeiture paid into the treasury of the county under the preceding section, shall be paid by the treasurer to the school committee, if any, otherwise to the selectmen of the town from which it is recovered, who shall apportion and appropriate the same to the support of the schools of such town, in the same manner as if it had been regularly raised by the town for that purpose.

School committee, how chosen, &c.
R. S. 23, § 10.
1857, 270, §§ 1, 2.
1859, 264.
23 Pick. 225.
5 Cush. 207.

SECT. 16. Every town shall, at the annual meeting, choose, by written ballots, a board of school committee, which shall have the general charge and superintendence of all the public schools in town. Said board shall consist of any number of persons divisible by three, which said town has decided to elect, one-third thereof to be elected annually, and continue in office three years. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid.

Vacancies, how filled.
1857, 266, §§ 1, 2.

SECT. 17. If any person elected a member of the school committee, after being duly notified of his election in the manner in which town officers are required to be notified, refuses or neglects to accept said office, or if any member of the board declines further service, or, from change of residence or otherwise, becomes unable to attend to the duties of the board, the remaining members shall, in writing, give notice of the fact to the selectmen of the town, or to the mayor and aldermen of the city, and the two boards shall thereupon, after giving public notice of at least one week,

proceed to fill such vacancy; and a majority of the ballots of persons entitled to vote shall be necessary to an election.

When whole committee decline, new committee how elected. 1857, 266, § 2.

SECT. 18. If all the persons elected as members of the school committee, after such notice of their election, refuse or neglect to accept the office, or having accepted, afterwards decline further service, or become unable to attend to the duties of the board, the selectmen or the mayor and aldermen shall, after giving like public notice, proceed by ballot to elect a new board, and the votes of a majority of the entire board of selectmen, or of the mayor and aldermen, shall be necessary to an election.

Term of service of person filling vacancy. 1857, 266, § 3. 1857, 270, § 3. 1859, 80.

SECT. 19. The term of service of every member elected in pursuance of the provisions of the two preceding sections, shall end with the municipal or official year in which he is chosen, and if the vacancy which he was elected to fill was for a longer period, it shall, at the first annual election after the occurrence of the vacancy, be filled in the manner prescribed for original elections of the school committee.

Amendment.—Chap. 134, 1865.

Term of office in cities.

[The term of office of members of the school committee *in cities*, where no different provision has been heretofore specifically made, shall commence at the same time, from year to year, as is now provided in regard to members of the several city councils, anything in the twentieth section of the thirty-eighth chapter of the General Statutes to the contrary notwithstanding.]

On election of new board, certain duties of old to continue. 1846, 223, § 1. 1857, 266, § 3. 1857, 270, § 3.

SECT. 20. All members of the school committee shall continue in office for the purpose of superintending the winter terms of the several schools, and of making and transmitting the certificate, returns, and report of the committee, notwithstanding the election of any successor at the annual meeting; but for all other duties, the term of office shall commence immediately after election.

Committee, how increased or diminished. 1857, 270, § 4.

SECT. 21. Any town may, at the annual meeting, vote to increase or diminish the number of its school committee. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in three years affect it, and a vote to diminish shall remain in force until the diminution under it is accomplished.

—records of; secretary. 1838, 105, § 3.

SECT. 22. The school committee shall appoint a secretary and keep a permanent record book, in which all its votes, orders and proceedings shall by him be recorded.

—to contract with teachers, unless, &c. R. S. 23, § 13. 1838, 105, § 2. 1859, 60.

SECT. 23. The school committee, unless the town at its annual meeting determines that the duty may be performed by the prudential committee, shall select and contract with the teachers of the public schools; shall require full and satisfactory evidence of the good moral character of all instructors who may be employed; and shall ascertain, by personal examination, their qualifications for teaching and capacity for the government of schools.

Teachers to receive and file certificate. —when and how paid. R. S. 23, § 14. 1850, 115. 1855, 126.

SECT. 24. Every instructor of a town or district school shall, before he opens such school, obtain from the school committee a certificate in duplicate of his qualifications, one of which shall be deposited with the selectmen before any payment is made to such instructor on account of his services; and upon so filing such certificate, the teacher of any public school shall be entitled to receive, on demand, his wages due at the expiration of any quarter, or term longer or shorter than a quarter, or upon the close of any single term of service, subject to the condition specified in section thirteen of chapter forty.

—may be dismissed, &c. 1844, 32.

SECT. 25. The school committee may dismiss from employment any teacher whenever they think proper, and such teacher shall receive no compensation for services rendered after such dismissal.

Examinations and visits by committee. R. S. 23, §§ 15, 16.

SECT. 26. The school committee, or some one or more of them, for the purpose of making a careful examination of the schools, and of ascertaining that the scholars are properly supplied with books, shall visit all the public schools in the town on some day during the first or second week after the opening of such schools respectively, and also on some day during the two weeks preceding the closing of the same; and shall also for the same purposes visit, without giving previous notice thereof to the instructors, all the public schools in the town once a month, and they shall, at such examinations, inquire into the regulation and discipline of the schools, and the habits and proficiency of the scholars therein.

Amendment.—Chap. 57, 1862, substituted for Sect. 27.

Bible to be read in schools without note or comment. —version not to be compulsory. Sectarian books excluded. R. S. 23, § 23. 1855, 410.

[SECT. 1. The school committee shall require the daily reading of some portion of the Bible, without written note or oral comment, in the public schools, but they shall require no scholar to read from any particular version, whose parent or guardian shall declare that he has conscientious scruples against allowing him to read therefrom, nor shall they ever direct any school books calculated to favor the tenets of any particular sect of Christians, to be purchased or used in any of the public schools.]

School books. —change of, how made, &c. R. S. 23, § 17. 1859, 93, §§ 2, 3.

SECT. 28. The school committee shall direct what books shall be used in the public schools, and no change shall be made in said books except by the unanimous consent of the whole board, unless the committee consists of more than nine, and questions relating to school books are intrusted to a sub-committee. In that case, the consent of two-thirds of the whole number of said sub-committee, with the concurrent vote of three-fourths of the whole board, shall be requisite for such change. If any change is made, each pupil then belonging to the public schools, and requiring the substituted book, shall be furnished with the same, by the school committee, at the expense of said town.

Amendments.—Chap. 126, 1863.

[SECT. 1. In any city in which the school committee consists of more than eighteen persons, a change may be made in the school books used in the public schools in such city, by a majority of the whole committee, at a legal meeting of said committee. Notice of such intended change shall be given at a previous meeting thereof.]

Chap. 155, 1867.

[SECT. 1. In any town or city in this Commonwealth, in which the school committee consists of less than twelve, a change may be made in the school books, in the public schools in such town or city, by a vote of two-thirds of the whole committee, at a meeting of said committee, notice of such intended change having been given at a previous meeting of said committee.]

Committee to procure text-books, apparatus, &c. R. S. 23, § 19. 1859, 93, § 1. 13 Pick. 229.

SECT. 29. The school committee shall procure, at the expense of the city or town, a sufficient supply of text-books for the public schools, and give notice of the place where they may be obtained. Said books shall be furnished to the pupils at such prices as merely to re-imburse the expense of the same. The school committee may also procure, at the expense of the city or town, such apparatus, books of reference, and other means of illustration as they deem necessary for the schools under their supervision, in accordance with appropriations therefor previously made.

—for certain scholars at expense of town. R. S. 23, § 20.

SECT. 30. If any scholar is not furnished by his parent, master or guardian, with the requisite books, he shall be supplied therewith by the school committee at the expense of the town.

Expense of books so supplied to be taxed to parents, &c. R. S. 23, § 21.

SECT. 31. The school committee shall give notice in writing to the assessors of the town of the names of the scholars supplied with books under the provisions of the preceding section, of the books so furnished, the prices thereof, and the names of the parents, masters or guardians, who ought to have supplied the same. The assessors shall add the price of the books to the next annual tax of such parents, masters or guardians; and the amount so added shall be levied, collected, and paid into the town treasury, in the same manner as the town taxes.

If parents unable to pay, tax may be omitted. R. S. 23, § 22.

SECT. 32. If the assessors are of opinion that any parent, master, or guardian, is unable to pay the whole expense of the books so supplied on his account, they shall omit to add the price of such books, or shall add only a part thereof, to his annual tax, according to their opinion of his ability to pay.

Duty of committee where school is for benefit of whole town. R. S. 23, § 11.

SECT. 33. In any town containing five hundred families in which a school is kept for the benefit of all the inhabitants as before provided, the school committee shall perform the like duties in relation to such school, the house where it is kept, and the supply of all things necessary therefor, as the prudential committee may perform in a school district.

Compensation of committee. 1838, 105, § 4. 1859, 103.

SECT. 34. The members of the school committee shall be paid in cities one dollar, and in towns one dollar and a half, each, a day, for the time they are actually employed in discharging the duties of their office, together with such additional compensation as the town or city may allow.

Superintendent of schools, appointment, duties, &c. 1854, 314. 1856, 232, §§ 1, 2.

SECT. 35. Any town annually by legal vote, and any city by an ordinance of the city council, may require the school committee annually to appoint a superintendent of public schools, who, under the direction and control of said committee, shall have the care and supervision of the schools, with such salary as the city government or town may determine; and in every city in which such ordinance is in force, and in every town in which such superintendent is appointed, the school committee shall receive no compensation, unless otherwise provided by such city government or town.

Amendment.—Chap. 101, 1860.

Compensation of.

[SECT. 1. The compensation of superintendents of public schools provided for in the thirty-fifth section of the thirty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, shall in no case be less than one dollar and fifty cents for each day of actual service.]

Towns not districted, to maintain school-houses, &c. R. S. 23, § 32. 1850, 286, § 2. 1859, 252, §§ 4, 5.

SECT. 36. Every town not divided into school districts shall provide and maintain a sufficient number of school-houses, properly furnished and conveniently located, for the accommodation of all the children therein entitled to attend the public schools; and the school committee, unless the town otherwise direct, shall keep them in good order, procuring a suitable place for the schools, where there is no school-house, and providing fuel and all other things necessary for the comfort of the scholars therein, at the expense of the town.

Location of school-houses. R. S. 23, §§ 28, 32. 1859, 252, § 4.

SECT. 37. Any town, at a meeting legally called for the purpose, may determine the location of its school-houses, and adopt all necessary measures to purchase or procure the land for the accommodation thereof.

Land may be taken for school-house lots, &c. 1848, 237, § 1. 1855, 318, § 1. 2 Gray, 414.

SECT. 38. When land has been designated by a town, school district, or those acting under its authority, or determined upon by the selectmen as a suitable place for the erection of a school-house and necessary buildings, or for enlarging a school-house lot, if the owner refuses to sell the same, or demands therefor a price deemed by the selectmen unreasonable, they may, with the approbation of the town, proceed to select, at their discretion, and lay out, a school-house lot, or an enlargement thereof, and to appraise the damages to the owner of such land in the manner provided for laying out highways and appraising damages sustained thereby; and upon payment, or tender of payment, of the amount of such damages, to the owner, by the town, the land shall be taken, held, and used, for the purpose aforesaid. But no lot so taken or enlarged shall exceed, in the whole, eighty square rods, exclusive of the land occupied by the school buildings.

Owner of land, may have jury. Proceedings. Damages and costs 1848, 237. 1851, 186. 1855, 10. 2 Gray, 414.

SECT. 39. When the owner feels aggrieved by the laying out or enlargement of such lot, or by the award of damages, he may, upon application therefor in writing to the county commissioners within one year thereafter, have the matter of his complaint tried by a jury, and the jury may change the location of such lot or enlargement, and assess damages therefor. The proceedings shall in all respects be conducted in the manner provided in cases of damages by laying out highways. If the damages are increased, or the location changed, by the jury, the damages and all charges shall be paid by the town; otherwise the charges arising on such application shall be paid by such applicant. The land so taken shall be held and used for no other purpose than that contemplated by this chapter, and shall revert to the owner, his heirs or assigns, upon the discontinuance there, for one

year, of such school as is required by law to be kept by the town.

Committee of town not districted, to have charge of school-houses.

SECT. 40. The school committee of a town in which the school district system has been abolished, or does not exist, shall have the general charge and superintendence of the school-houses in said town, so far as relates to the use to which the same may be appropriated.

Provisions of chapter to apply to cities, except, &c.

SECT. 41. Except as may be otherwise provided in their respective charters, or acts in amendment thereof, the provisions of this chapter, so far as applicable, shall apply to cities. And the mayor and aldermen in the several cities are authorized to execute the powers given in section thirty-eight of this chapter to the selectmen and town.

CHAPTER 39.

OF SCHOOL DISTRICTS.

SCHOOL DISTRICTS.

SECTION
1. Districts, how formed, when reorganized.
2. —to be corporations for certain purposes.
3. —may be abolished, &c.
4. —towns to vote on abolition of.
5. —secretary to notify towns, &c., to insert in warrant concerning.
6. —corporate powers of, to continue for certain purposes.
7. Prudential committee in each district. Duties.
8. —may be chosen by the districts.
9. —to consist of three persons in certain cases.
10. —vacancies in, how filled.
11. —prudential committee, duties of, to be performed by town committee, when, &c.
12. If district does not establish school, town committee may, &c.
13. District meetings, selectmen, &c., may issue warrants for.
14. —manner of warning.
15. —districts may prescribe mode of calling.
16. Clerk to be chosen, and sworn, keep records, &c.
17. —liable only for want of integrity. District, when liable.
18. Districts may raise money for school-houses; may fix site.
SECTION
19. Towns may provide school-houses at the common expense.
20. Selectmen to determine site, in case, &c.
21. Penalty on school district for not providing school-house.
22. Personal and real estate, where taxed.
23. Manufacturing corporations, where taxed.
24. Non-residents, where taxed.
25. Same subject.
26. School taxes assessed like town taxes.
27. Assessors to issue warrants to collectors.
28. Money raised, to be at disposal of committees.
29. If district refuses to raise money, town may order it.
30. If district neglects to organize, school committee may provide, &c.
31. Collectors to proceed as in collecting town taxes.
32. Treasurer to have like powers, &c.
33. Compensation of assessors, &c.
34. Abatement of taxes.

UNION DISTRICTS.

35. Union districts, how formed, &c.
36. First meeting. Subsequent meetings. Location of house.
37. Clerk, how chosen, &c.
38. Assessments, how made.

SECTION
39. Prudential committees, how constituted. Powers and duties, &c.
40. Usual schools maintained.
41. School committees, powers and duties of.

CONTIGUOUS SCHOOL DISTRICTS IN ADJOINING TOWNS.

42. Contiguous districts in adjoining towns may unite.
43. Union not formed without consent of districts, &c.
44. United districts may be separated.
45. —meetings of, how called.
46. Prudential committee to be chosen, &c.
47. Money raised, to be in proportion, &c.
48. —how assessed.
49. School committees of adjoining towns to officiate in turns.

Districts.
R. S. 23, § 24.
1849, 206.
1851, 303.
23 Pick. 70.
4 Cush. 250.
10 Cush. 418.
4 Gray, 250.
7 Gray, 411.

SECTION 1. Towns may provide for the support of schools without forming school districts; or may, at a meeting called for the purpose, divide into such districts and determine the limits thereof; but shall not, oftener than once in ten years from the second day of May, eighteen hundred and forty-nine, be districted anew so as to change the taxation of lands from one district to another having a different school-house.

Amendment.—Chap. 54, 1867.

§ 1 not to apply in town abolishing districts under §§ 3, 4.

[SECT. 1. The provision of section one of chapter thirty-nine of the General Statutes, authorizing towns to divide into school districts, shall not be applicable to any town which has [abolished] or shall hereafter abolish the school districts therein by virtue of the provisions of the *third* and *fourth* sections of said chapter.]

—to be corporations, &c.
R. S. 23, §§ 57, 58.
13 Mass. 193.
6 Met. 197, 546.
10 Met. 464.

SECT. 2. A school district shall be a body corporate so far as to prosecute and defend in all actions relating to the property or affairs of the district, and may take and hold, in fee simple or otherwise, any estate real or personal given to or purchased by the district for the support of a school or schools therein.

—may be abolished, &c.
1850, 286, § 1.
1852, 199.
See § 19.

SECT. 3. A town may, at any time, abolish the school districts therein, and shall thereupon forthwith take possession of all the school-houses, land, apparatus and other property owned and used for school purposes, which such districts might lawfully sell and convey. The property so taken shall be appraised under the direction of the town, and at the next annual assessment thereafter, a tax shall be levied upon the whole town, equal to the amount of said appraisal; and there shall be remitted to the tax payers of each district the said appraised value of its property thus taken. Or the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest.

—towns to vote on abolition of.

SECT. 4. Every town divided into school districts shall, at the annual meeting in the year eighteen hundred and sixty-

three, and every third year thereafter, vote upon the question of abolishing such districts.

—secretary to notify towns, &c., to insert in warrant concerning.

SECT. 5. The secretary of the Commonwealth, on the recurrence of a year when the vote thus required is to be had, shall seasonably notify thereof the selectmen of the several towns, and require them, in towns retaining the school district system, to insert an article in the warrant for the annual meeting, for the purpose specified in the preceding section; and the selectmen of any town who neglect to insert such article in the warrant, when so required, shall forfeit twenty dollars.

—corporate powers of, to continue for certain purposes.

SECT. 6. Upon the abolition or discontinuance of any district, its corporate powers and liabilities shall continue and remain so far as may be necessary for the enforcement of its rights and duties; and the property which it possessed at the time shall be subject to all legal process against it.

Prudential committee in each district. Duties.
R. S. 23, § 25.
1838, 105, § 2.
11 Pick. 260.
4 Cush. 599.
8 Cush. 191.

SECT. 7. Every town divided into school districts shall, at its annual meeting, choose one person, resident in each school district, to be a committee for that district, and to be called the prudential committee, who shall keep the school-house in good order at the expense of the district; and if there is no school-house, shall provide a suitable place for the school of the district at the expense thereof; shall provide fuel and all things necessary for the comfort of the scholars therein; give information and assistance to the school committee of the town to aid them in the discharge of the duties required of them; and, when the town so determines, shall select and contract with an instructor for each school in the district.

Prudential committee, how chosen.
R. S. 23, § 26
21 Pick. 75.

SECT. 8. If a town so determines, the prudential committee may be chosen by the legal voters of the several school districts to which they respectively belong, in such manner as the district directs.

—to consist of three persons.
1839, 137.
4 Gray, 250.

SECT. 9. When a town determines that the prudential committees shall select and contract with the school teachers for their districts, three persons in each district may be chosen to act as such committee.

—vacancies in, how filled.
1855, 451.

SECT. 10. When the office of prudential committee becomes vacant in any district, by reason of the death, resignation, or removal of the person or persons elected, such district may fill the vacancy at a legal meeting called for the purpose.

—town committee to act as, when, &c.
R. S. 23, § 31.

SECT. 11. When no prudential committee is chosen for a school district, the school committee shall perform all the duties of the prudential committee.

If district does not establish school, town committee may. R. S. 23, § 45.

SECT. 12. If a school district neglects or refuses to establish a school and employ a teacher for the same, the school committee may establish such school and employ a teacher therefor, as the prudential committee might have done.

District meetings, selectmen, &c., may issue warrants for. R. S. 23, § 46. 8 Cush. 592.

SECT. 13. The selectmen of the several towns divided into school districts as aforesaid, or the prudential committee of every such district, upon application made to either of them respectively, in writing, by three or more residents who pay taxes in the district, shall issue their warrant, directed to one of the persons making the application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at the time and place in the district expressed in the warrant.

—manner of warning. R. S. 23, § 47. 4 Greenl. 46. 14 Mass. 315. 12 Pick. 206.

SECT. 14. The warning shall be given seven days at least before the time appointed for the meeting, by personal notice to every inhabitant of the district qualified to vote in town affairs, or by leaving at his last and usual place of abode a written notification, expressing the time, place and purpose of the meeting, unless the district prescribes another mode of warning its meetings.

—districts may prescribe mode of calling. R. S. 23, § 48. 1850, 213. 10 Pick 543. 2 Cush. 419. 8 Cush. 592.

SECT. 15. A school district, at any regular meeting having an article in the warrant for that purpose, may prescribe the mode of warning all future meetings of the district; and may also direct by whom and in what manner such meetings may be called. Notwithstanding such prescribed mode, meetings may nevertheless be called in accordance with the provisions of the two preceding sections.

Clerk to be chosen, and sworn, keep records, &c. R. S. 23, § 27. 21 Pick. 75. 12 Met. 105.

SECT. 16. The inhabitants of each school district, qualified to vote in town affairs, shall choose a clerk, who shall be sworn by the moderator, in open meeting, or by a justice of the peace; make a fair record of all votes passed at meetings of the district; certify the same when required, and hold his office until a successor is chosen and qualified.

—liable only for want of integrity. District, when liable. R. S. 23, § 29. 10 Pick. 543 11 Pick 456.

SECT. 17. The clerk shall be answerable only for want of integrity on his own part; and if he certifies truly to the assessors of the town the votes of the district for raising, by a tax, any sum of money, the district shall be liable in case of any illegality in the proceedings in relation to raising such money.

Districts may raise money for school-houses. Districts may fix site. R. S. 23, § 28. 1849, 81, § 1. 21 Pick. 75. 10 Cush 418.

SECT. 18. The legal voters of any district, at a meeting called for that purpose, may raise money for erecting or repairing school-houses in their district; for purchasing or hiring any buildings to be used as school-houses, and land for the use and accommodation thereof; and for purchasing libraries and necessary school apparatus, fuel, furniture, and other necessary articles, for the use of schools; they may also

determine in what part of their district such school-houses shall stand, and choose any committee to carry into effect the provisions aforesaid.

Towns may provide school-houses, at the common expense. R. S. 23, § 32. 1850, 286, § 2.

SECT. 19. The legal voters of every town may, if they think it expedient, carry into effect the provisions of the preceding section at the common expense of the town, so far as relates to providing school-houses for the several school districts of the town; and the town in such case may, at any legal meeting, raise money and adopt all other proper measures for this purpose, and, if already districted, may take possession of the school-houses and property of the several districts in the manner provided in section three of this chapter.

Selectmen to determine site, in case, &c. R. S. 23, § 30. 1852, 119. 2 Gray, 414.

SECT. 20. If a school district cannot determine by a vote of two-thirds of the legal voters present and voting thereon, where to place their school-house, the selectmen, upon application made to them by the committee appointed to build or procure the school-house, or by five or more of the legal voters of the district, shall determine where such school-house shall be placed.

Penalty on school district for not providing school-house.

SECT. 21. A school district, obliged by law to procure a suitable school-house, shall, for neglecting one year so to do, be liable to a fine not exceeding two hundred dollars, to be recovered by indictment, on complaint of any legal voter in said district, to be appropriated to the support of schools therein.

Personal and real estate, where taxed. R. S. 23, § 33. 5 Mass. 330. 12 Met. 181.

SECT. 22. In raising and assessing money in the several school districts, every inhabitant of the district shall be taxed in the district in which he lives, for all his personal estate, and for all the real estate which he holds in the town, being under his own actual improvement; and all other of his real estate in the same town shall be taxed in the district in which it lies.

Amendment.—Chap. 196, 1866.

Act of 1864 and 1865, taxing of shares in corporations, not to exempt owners.

[SECT. 1. Nothing contained in chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four, or in chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall be construed to exempt the owners of shares in the capital stock of any corporation from liability to taxation for school district and parish purposes.]

Manufacturing corporations, where taxed. R. S. 23, § 34. 1850, 301.

SECT. 23. In the assessment of taxes pursuant to the preceding section, all real estate and machinery belonging to manufacturing corporations or establishments shall be taxed in the school districts where the same are situated; and in

assessing the shares in such corporation, or the personal estate of the owners of such establishments, for the like purposes, the value of such machinery and real estate shall first be deducted from the value of such shares or personal estate.

Non-residents, where taxed. R. S. 23, § 36.

SECT. 24. All the land within a town, owned by the same person not living therein, shall be taxed in the same district.

Same subject. R. S. 23, § 35.

SECT. 25. When the estate of a non-resident owner is taxed, it may be taxed in such district as the assessors of the town determine; and the assessors, before they assess a tax for any district, shall determine in which district the estate of any such non-resident shall be taxed, and certify in writing their determination to the clerk of the town, who shall record the same; and such estate, while owned by the same person resident without the limits of the town, shall be taxed in such district accordingly until the town is districted anew.

School taxes assessed like town taxes. R. S. 23, § 37. 3 Mass. 230. 3 Cush. 567. 14 Pick. 362. 12 Met. 178.

SECT. 26. The assessors of the town shall assess, in the same manner as town taxes are assessed, on the polls and estates of the inhabitants of each school district, and on all estates liable to be taxed therein as aforesaid, all money voted to be raised by the legal voters of such district for the purposes aforesaid; and such assessment shall be made within thirty days after the clerk of the district has certified to said assessors the sum voted by the district to be raised.

Assessors to issue warrants to collectors. R. S. 23, § 38. 5 Pick. 496. 12 Pick. 214.

SECT. 27. The assessors shall make a warrant, substantially in the form heretofore used, except that a seal shall not be required thereto, directed to one of the collectors of the town, requiring him to collect the tax so assessed, and to pay the same to the treasurer of the town within a time to be limited in the warrant; and a certificate of the assessment shall be made by the assessors and delivered to the treasurer.

Money raised, to be at disposal of committees. R. S. 23, § 39.

SECT. 28. The money so collected and paid shall be at the disposal of the committee appointed by the district, to be by them applied to the building or repairing of school-houses, or to the purchase of buildings to be used as such, or of land for their sites, as before provided, and according to the votes or directions of the legal voters of the district.

If district refuses to raise money, town may order it. R. S. 23, § 44. 1848, 274.

SECT. 29. If at a meeting of the legal voters of a school district called for the purpose of raising money, a majority of the voters present are opposod thereto, any five inhabitants of the district, who pay taxes, may make application in writing to the selectmen of the town, requesting them to insert in their warrant for the next town meeting an article requiring the opinion of the town relative to the expediency of raising such money as was proposed in the warrant for

the district meeting; and if the majority of the voters think the raising of any of the sums of money proposed in the warrant is necessary and expedient, they may vote such sum as they think necessary for said purposes, and the same shall be assessed on the polls and estates of the inhabitants of such district, and be collected and paid over in the manner before provided. They may also empower the selectmen of the town, or the school committee, or may choose a committee, to carry into effect the purposes for which such money is voted, if such district neglects or refuses to choose a committee for that purpose.

If district neglects to organize, school committee may provide, &c. 1858, 145, § 1.

SECT. 30. If a district neglects to organize by the choice of officers, the money necessary for the erection, repair, or enlargement, of a school-house therein, may be expended by order of the school committee, and, upon their certificate, shall be assessed upon the polls and estates of the inhabitants of the district, collected like other district taxes, and paid into the treasury of the city or town.

Collectors, how to collect taxes. R. S. 23, § 40.

SECT. 31. In collecting district taxes the collectors shall have the same powers and proceed in the manner provided by law in collecting town taxes.

Treasurer, powers of, &c. R. S. 23, § 41.

SECT. 32. The treasurer of a town, to whom a certificate of the assessment of a district tax is transmitted, shall have the like authority to enforce the collection and payment of the money so assessed and certified, as he has in the case of money raised by the town, for the use of the town.

Compensation of assessors, &c. R. S. 23, § 42.

SECT. 33. The assessors, treasurer, and collector, shall have the same compensation, respectively, for assessing, collecting, and paying out money, assessed for the use of a school district, as is allowed by the town for like services in respect to town taxes.

Abatement of taxes.

SECT. 34. The assessors shall have the same power to abate the tax, or any part thereof, assessed on an inhabitant of a school district, as they have to abate town taxes.

UNION DISTRICTS.

Union districts, how formed, &c. 1838, 189, §§ 1, 2, 5. 1839, 56, § 2.

SECT. 35. Two or more contiguous school districts in a town may, by a vote of two-thirds of the legal voters of each district, present and voting at legal meetings of their respective districts called for the purpose, associate and form a union district, *for the purpose of maintaining a union school for the benefit of the older children of such associated districts;* such district shall have the powers, privileges and liabilities of school districts, with such name as the district determines at its first meeting.

SECT. 36. The districts proposing such association shall, at the time of voting to form the union, respectively agree upon the time, place and manner of calling the first meeting of the union district, which may from time to time determine the mode of calling and warning its meetings, the time and place of its annual meetings, and the place where its school-house shall stand. The location of the school-house, if not determined by the district, shall be referred to the selectmen, as provided for other districts.

First meeting. Subsequent meetings. Location of house. 1838, 189, §§ 3, 5.

SECT. 37. Each union district, at its first meeting, shall choose by ballot a clerk, who shall be sworn in the manner, and perform the duties, prescribed for clerks of other school districts, and hold the office until a successor is chosen and qualified.

Clerk, how chosen, &c. 1838, 189, § 4.

SECT. 38. In raising and assessing money in such districts, every inhabitant shall be taxed in the manner in which inhabitants of other school districts are taxed, and the real estate of non-resident owners taxable in either of the districts composing the union district shall be taxed in such districts.

Assessments, how made. 1838, 189, § 1.

SECT. 39. The prudential committees of the respective districts, forming the union district, shall together constitute the prudential committee of such district; have the powers and discharge the duties, in relation to the school and school-house of the district, prescribed to prudential committees in relation to the schools and school-houses in their respective districts; and determine what proportion of the money raised and appropriated by the town for each of the districts composing the union district shall be appropriated and expended in paying the instructors of the union school; subject in all matters to any legal votes of the union district.

Prudential committees, how constituted. Powers and duties, &c. 1838, 189, §§ 6, 7.

SECT. 40. The public schools required by law shall continue to be maintained in each of the districts thus associated, as if no union district had been formed.

Usual schools maintained. 1838, 189, § 7.

SECT. 41. The school committee shall have the powers and duties in relation to such union school which they have in relation to other district schools.

School committees, powers and duties of. 1838, 189, § 8.

Amendment.—Chap. 132, 1861.

[SECT. 1. Any two or more contiguous school districts in any town in this Commonwealth, may be united and form one school district: *provided*, that at a legal town meeting held for that purpose, a majority of the voters present and voting thereon shall be in favor of such union.

Contiguous districts may unite.

Privileges and restrictions.

SECT. 2.. Such school district when formed, shall have all the powers, privileges, and be subject to the liabilities, of school districts under the law of this Commonwealth.]

CONTIGUOUS SCHOOL DISTRICTS IN ADJOINING TOWNS.

Contiguous districts in adjoining towns may unite. R. S. 23, § 49.

SECT. 42. If two or more contiguous school districts in adjoining towns are too small to maintain schools advantageously in each, such districts may unite and form one district, with the powers, privileges, and liabilities allowed or prescribed in regard to school districts.

Union not formed without consent of districts, &c. R. S. 23, § 50.

SECT. 43. No district shall be so united, unless the legal voters of each, at legal meetings called for the purpose, agree thereto; nor, unless the respective towns, at legal town meetings called for the purpose, assent to the same; and when such vote is passed by a school district, the clerk thereof shall forthwith send a certified copy to the clerk of his town.

United districts may be separated. R. S. 23, § 51.

SECT. 44. When the voters in such united district, at a legal meeting called for the purpose, deem it expedient to separate and again form two or more districts, they may do so, first obtaining the consent of the respective towns.

—meetings of, how called. R. S. 23, § 52.

SECT. 45. The first meeting of such united district shall be called in the manner agreed upon by the respective districts at the time of forming the union; and such district may, from time to time thereafter, prescribe the mode of calling and warning its meetings as other school districts may do.

Prudential committee to be chosen, &c. R. S. 23, § 53.

SECT. 46. Such district, at the first meeting and annually thereafter, shall choose a prudential committee, who shall receive and expend the money raised and appropriated in each town for the united district, and possess the powers and discharge the duties allowed or prescribed to the prudential committees of other districts.

Money raised to be in proportion, &c. R. S. 23, § 54.

SECT. 47. The legal voters of a united district shall, at the time of voting to raise such money, determine the amount to be paid by the inhabitants in each town, which shall be in proportion to their respective polls and estates; and the clerk of the district shall certify such vote to the assessors of each of said towns.

Money, how assessed. R. S. 23, § 55.

SECT. 48. All money duly voted to be raised by any such united district shall be assessed by the assessors of the respective towns upon the polls and estates of the inhabitants of the district, and collected, as taxes are assessed and collected in other school districts.

School committees of adjoining

SECT. 49. The respective school committees of the towns from which such united district is formed shall discharge the

duties of school committee for the district in alternate years, commencing with the most ancient town. towns to officiate in turns. R. S. 23, § 56.

Amendments.—Chap. 255, 1865.

[SECT. 1. United school districts, in adjoining towns, may be separated by vote of such towns, whenever said towns shall have determined by mutual agreement, upon the appraised value, and mode of disposition of the property of such district, and the proportion of said appraised value to which each part of said district shall be entitled. May act when terms have been agreed upon.

SECT. 2. Upon such separation, the property of the united district shall become vested in accordance with said previous agreement; and the town or school district which shall take possession thereof, shall be held to pay to the other town for the benefit of the school district therein, such sum or sums of money, and at such times, as shall be determined by said previous agreement. Property to be vested and payment made as per agreement.

SECT. 3. In case either town shall have abolished the other school districts therein, the proportion of the value of the property of such united district, to which the separate district in such town would be entitled on such separation, shall be adjusted, as far as may be practicable, in accordance with the provisions of section three of chapter thirty-nine of the General Statutes. Town abolishing other districts, arrangement under G. S.

SECT. 4. Either town may cause any school district therein, which forms part of any such united district, to be separated therefrom, without the agreement provided for in section one: *provided*, that all the interest of such district in the school-houses and other property owned and used by such united district for school purposes, shall be relinquished, and shall, upon such separation, become vested in the remaining portions of such united district; and *provided*, *further*, that the interest of such district in such school-houses and property, shall not be relinquished without the consent of such districts.] Division may be made by either town.

Chap. 278, 1868.

[SECT. 1. Two or more towns may unite in establishing union schools for the accommodation of such contiguous portions of each, as shall be mutually agreed upon, when a majority of the legal voters in each town, in meetings called for that purpose, so determine. Union schools in towns without districts.

SECT. 2. In providing for the management and control of said school; in determining the location of said school-houses, or of the schools; in apportioning the expenses of

erecting such school-houses, and of the support and maintenance of said school, with all expenditures incident to the same, all proceedings shall be governed by the provisions of the fourth, fifth and sixth sections of the thirty-eighth chapter of the General Statutes.]

CHAPTER 40.

OF SCHOOL REGISTERS AND RETURNS.

SECTION

1. Town clerks to deliver registers, &c., to school committee.
2. If not received.
3. Duties of assessors, as to persons between five and fifteen.
4. —of school committee; form of certificate.
5. Registers to be kept; returns.
6. Committees' report; to whom sent; where deposited; to be printed.
7. When report is not made.
8. When informal, &c.
9. Penalty for neglect, or informal, &c., report.
10. Reports, &c., of board of education, how received, delivered, and for what purpose. In whom property of.
11. Who to sign reports.
12. Penalty on committee for neglect in returns, &c.
13. Registers, how kept. Teachers not to draw pay until return of register.

Town clerks to deliver registers, &c., to school committee. 1849, 65, § 2.

SECTION 1. The clerks of the several cities and towns, upon receiving from the secretary of the board of education the school registers and blank forms of inquiry for school returns, shall deliver them to the school committee of such cities and towns.

If not received. 1846, 223, § 3.

SECT. 2. If a school committee fails to receive such blank forms of return on or before the last day of March, they shall forthwith notify the secretary of the board of education, who shall transmit such forms as soon as may be.

Duties of assessors as to persons between five and fifteen. 1855, 15.

SECT. 3. The assessors shall annually in the month of May, ascertain the number of persons in their respective towns and cities on the first day of May between the ages of five and fifteen years, and on or before the first day of July following report the same to the school committee.

—of school committee. Form of certificate. 1846, 223, § 2. 1849, 117, § 1. 1855, 23. See § 11.

SECT. 4. The school committee shall annually on or before the last day of the following April, certify under oath, the numbers so returned to them by the assessors, and also the sum raised by such city or town for the support of schools during the preceding school year, including only wages and board of teachers, fuel for the schools, and care of the fires and school-rooms, and shall transmit such certificate to the secretary of the board of education. The form of such certificate shall be as follows, to wit:—

Amendment.—Chap. 142, 1865.

[We, the school committee of , do certify that from the returns made by the assessors in the year , it appears that on the first day of May, in the year , there were belonging to said town the number of persons between the ages of five and fifteen years; and we further certify that said town raised the sum of dollars for the support of public schools for the preceding school year, including only the wages and board of teachers, fuel for the schools, and care of fires and school-rooms; and that said town maintained, during said year, each of the schools required to be kept by the first section of the thirty-eight chapter of the General Statutes for a period not less than six months; and we further certify that said town maintained, during said year, school for the benefit of all the inhabitants of the town, as required by section two, chapter thirty-eight of the General Statutes, for months and days.

} *School Committee.*

ss.

On this day of , personally appeared the above named school committee of , and made oath that the above certificate by them subscribed, is true.

Before me, *Justice of the Peace.*

SECT. 3. In the returns made by the school committee to the secretary of the board of education, twenty days or forty half-days of actual session shall be counted as one month.] 20 days or 40 half days one month.

SECT. 5. The school committee shall cause the school registers to be faithfully kept in all the public schools, and shall annually on or before the last day of April, return the blank forms of inquiry, duly filled up, to the secretary of the board of education; and shall also specify in said returns the purposes to which the money received by their town or city from the income of the school fund has been appropriated. Registers and returns. 1837, 227; 1838, 105, § 6; 1846, 223, § 3; 1850, 179. See § 11. See Ch. 36, § 3. See Ch. 38, § 20.

SECT. 6. The school committee shall annually make a detailed report of the condition of the several public schools, which report shall contain such statements and suggestions in relation to the schools as the committee deem necessary or proper to promote the interests thereof. The committee shall cause said report to be printed for the use of the inhabitants, in octavo, pamphlet form, of the size of the annual reports of the board of education, and transmit two copies thereof to the secretary of said board, on or before the last day of April, and deposit one copy in the office of the clerk of the city or town. Committees' report; to whom sent; where deposited; to be printed. 1838, 105, § 1. 1846, 223, § 4. 1859, 57. See Ch. 36, § 3. See Ch. 38, § 20.

SECT. 7. When a school committee fails within the prescribed time to make either the returns or report required of them by law, the secretary of the board of education shall When report is not made. 1855, 93, § 1. See Ch. 38, § 20.

forthwith notify such committee, or the clerk of the city or town, of such failure; and the committee or clerk shall immediately cause the same to be transmitted to the secretary.

When informal, &c. 1855, 93, § 2. See Ch. 38, § 20.

SECT. 8. If a report or return is found to be informal or incorrect, the secretary shall forthwith return the same, with a statement of all deficiencies therein, to the committee for its further action.

Penalty for neglect or informal, &c., report. 1855, 93, § 3. 1859, 238.

SECT. 9. The returns or reports of a city or town so returned by the secretary for correction, or which have not reached his office within the time prescribed by law, shall be received by him if returned during the month of May; but in all such cases ten per cent. shall be deducted from the income of the school fund which such city or town would have been otherwise entitled to. If such returns or reports fail to reach his office before the first day of June, then the whole of such city or town's share of the income shall be retained by the treasurer of the Commonwealth, and the amount so retained, as well as the ten per cent. when deducted, shall be added to the principal of the school fund. And such city or town shall in addition thereto forfeit not less than one hundred nor more than two hundred dollars: *provided, however*, if said returns and reports were duly mailed in season to reach such office within the time required by law, then the city or town from which said returns or reports are due shall be exempt from the forfeiture, otherwise incurred.

Reports, &c., of board of education, how received, delivered, and for what purpose. In whom property of. 1849, 65, § 2.

SECT. 10. The clerk of each city and town shall deliver one copy of the reports of the board of education and its secretary to the secretary of the school committee of the city or town, to be by him preserved for the use of the committee, and transmitted to his successor in office; and two additional copies of said reports, for the use of said committee; and shall also deliver one copy of said reports to the clerk of each school district, to be by him deposited in the school district library, or, if there is no such library, carefully kept for the use of the prudential committee, teachers, and inhabitants, of the district, during his continuance in office, and then transmitted to his successor; and in case the city or town shall not be districted, said reports shall be delivered to the school committee, and so deposited by them as to be accessible to the several teachers and to the citizens; and such reports shall be deemed to be the property of the town or city, and not of any officer, teacher, or citizen, thereof.

Who to sign reports. 1855, 244.

SECT. 11. When the school committee of a city or town is not less than thirteen in number, the chairman and secretary thereof may, in behalf of the committee, sign the annual school returns and the certificate required by sections four and five.

SECT. 12. A city or town which has forfeited any part of its portion of the income of the school fund through the failure of the school committee to perform their duties in regard to the school report and school returns, may withhold the compensation of the committee.

Penalty on committee for neglect in returns, &c. 1847, 183, § 2. 1848, 173.

SECT. 13. The several school teachers shall faithfully keep the registers furnished to them, and make due return thereof to the school committee, or such person as they may designate, and no teacher shall be entitled to receive payment for services until the register, properly filled up and completed, shall be so returned.

Registers, how kept. Teachers not to draw pay until return of register. 1849, 209.

Chapter 123, 1867.

[SECTION 1. It shall be the duty of the trustees, officers or persons in charge of all institutions of learning, whether literary, scientific or professional, incorporated, supported or aided by this Commonwealth; of all reform schools and almshouses; of all private educational institutions; also, of all agents, guardians or treasurers to whom appropriations shall be made for the support of schools among the Indians of this Commonwealth, whether by general statute or special resolve, on or before the first day of June in each year, to make a report in writing to the board of education, at the office of the secretary, of such statistics of the several institutions or schools under their charge, relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of said institution or school, as said board shall prescribe.

Officers of institutions of learning, reform and charity, and of Indian schools, to report annually on June 1st, to board of education.

SECT. 2. The board of education shall prepare blank forms of inquiry for such statistics, as they shall deem expedient to require, and shall cause the same to be sent to each of said institutions or schools, on or before the tenth day of May in each year. In preparing said forms, reference shall be had to the requirements of the national bureau of education recently created by the general government.]

Board to supply forms on or before tenth May.

CHAPTER 41.

OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECTION
1. Children to be sent to school by parents, &c. Penalty for neglect. Excuses for neglect.

SECTION
2. Truant officers and school committee to inquire and report.

SECTION
3. All children may attend where they reside.
4. School committee to regulate admission, &c., to high school.
5. Children may attend in adjoining town, and committee pay for instruction.
6. Wards may attend where guardian resides.
7. Children may attend in other towns than place of parents' residence, and parents pay, &c.
8. Children not to attend unless vaccinated.
9. Race, &c., not to exclude.
10. Teachers and school committee to state grounds of exclusion.
11. Damages for exclusion, how recovered.
12. Interrogatories to committee, &c.

Children to be sent to school by parents, &c. Penalty for neglect. Excuses for neglect.
1852, 240, §§ 1, 2 4.
1855, 309.

SECTION 1. Every person having under his control a child between the ages of eight and fourteen years, shall annually during the continuance of his control send such child to some public school in the city or town in which he resides, at least twelve weeks, if the public schools of such city or town so long continue, six weeks of which time shall be consecutive; and for every neglect of such duty the party offending shall forfeit to the use of such city or town a sum not exceeding twenty dollars: but if it appears upon the inquiry of the truant officers or school committee of any city or town, or upon the trial of any prosecution, that the party so neglecting was not able, by reason of poverty, to send such child to school, or to furnish him with the means of education, or that such child has been otherwise furnished with the means of education for a like period of time, or has already acquired the branches of learning taught in the public schools, or that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, the penalty before mentioned shall not be incurred.

Truant officers and school committee to inquire and report.
1852, 240, § 3.
1855, 309.
1859, 188.

SECT. 2. The truant officers and the school committees of the several cities and towns shall inquire into all cases of neglect of the duty prescribed in the preceding section; and ascertain from the persons neglecting, the reasons if any therefor; and shall forthwith give notice of all violations, with the reasons, to the treasurer of the city or town; and if such treasurer wilfully neglects or refuses to prosecute any person liable to the penalty provided for in the preceding section, he shall forfeit the sum of twenty dollars.

Children to attend where they reside.
1849, 117, § 4.

SECT. 3. All children within the Commonwealth may attend the public schools in the place in which they have their legal residence, subject to the regulations prescribed by law.

Admission to high school, how regulated
R. S. 23, § 15.

SECT. 4. The school committee shall determine the number and qualifications of the scholars to be admitted into the school kept for the use of the whole town.

Children may attend in adjoining town, and committee pay for instruction. 1855, 78. 1859, 89, § 1.

SECT. 5. Children living remote from any public school in the town in which they reside, may be allowed to attend the public schools in an adjoining town, under such regulations, and on such terms, as the school committees of the said towns agree upon and prescribe; and the school committee of the town in which such children reside shall pay out of the appropriations of money raised in said town for the support of schools the sum agreed upon.

Wards, where may attend. 1856, 164.

SECT. 6. Minors under guardianship, their father having deceased, may attend the public schools of the city or town of which their guardian is an inhabitant.

Children may attend in other towns than place of parents' residence, and parents pay, &c. 1857, 132.

SECT. 7. With the consent of school committees first obtained, children between the ages of five and fifteen years may attend school in cities and towns other than those in which their parents or guardians reside; but whenever a child resides in a city or town different from that of the residence of the parent or guardian, for the sole purpose of attending school there, the parent or guardian of such child shall be liable to pay to such city or town, for tuition, a sum equal to the average expense per scholar for such school for the period the child shall have so attended.

Children to be vaccinated. 1855, 414, § 2.

SECT. 8. The school committee shall not allow any child to be admitted to or connected with the public schools, who has not been duly vaccinated.

Color, &c., not to exclude. 1855, 256, § 1.

SECT. 9. No person shall be excluded from a public school on account of the race, color, or religious opinions, of the applicant or scholar.

Teachers, &c., to state grounds of exclusion. 1855, 256, § 4.

SECT. 10. Every member of the school committee under whose directions a child is excluded from a public school, and every teacher of such school from which a child is excluded, shall, on application by the parent or guardian of such child, state in writing the grounds and reason of the exclusion.

Damages for exclusion. 1845, 214. 1855, 256, § 2. 8 Cush. 160. 7 Gray, 245.

SECT. 11. A child unlawfully excluded from any public school shall recover damages therefor in an action of tort, to be brought in the name of such child by his guardian or next friend against the city or town by which such school is supported.

Interrogatories to committee, &c. 1855, 256, § 3.

SECT. 12. The plaintiff in such action may, by filing interrogatories for discovery, examine any member of the school committee, or any other officer of the defendant city or town, as if he were a party to the suit.

CHAPTER 42.

OF THE EMPLOYMENT OF CHILDREN AND REGULATIONS RESPECTING THEM.

SECTION
1. Children under fifteen, who have not attended school, &c., not to be employed in manufactory, unless, &c.
2. Penalty, school committee to prosecute.
3. Children under twelve not to be employed more than ten hours a day. Penalty.
4. Cities and towns may make by-laws respecting habitual truants, &c. Fines.
5. Cities and towns shall appoint persons to prosecute for violations of by-laws.
6. Minor convicted may be committed, &c.
7. On non-payment of fine, may be committed. How discharged.
8. Warrants where returnable. Compensation.

Certain children not to be employed in manufactory, unless, &c. 1836, 245, § 1. 1849, 220, § 1. 1855, 379. 1858, 83, § 1.

SECTION 1. Children of the age of twelve years and under the age of fifteen years, who have resided in this state for the term of six months, shall not be employed in a manufacturing establishment unless within twelve months next preceding the term of such employment they have attended some public or private day school, under teachers approved by the school committee of the place in which said school was kept, at least one term of eleven weeks, and unless they shall attend such a school for a like period during each twelve months of such employment. Children under twelve years of age, having resided in this state for a like period, shall not be so employed unless they have attended a like school for the term of eighteen weeks within twelve months next preceding their employment, and a like term during each twelve months of such employment.

Penalty. School committee to prosecute. 1842, 60, § 1. 1849, 220, § 3. 1858, 83, § 2.

SECT. 2. The owner, agent, or superintendent, of a manufacturing establishment, who employs a child in violation of the provisions of the preceding section, shall forfeit a sum not exceeding fifty dollars for each offence, to be recovered by indictment, to the use of the public schools in the city or town where such establishment is situated; and the school committees in the several cities and towns shall prosecute for all such forfeitures.

Children under 12 not to be employed more than ten hours a day. Penalty. 1842, 60, §§ 3, 4. 9 Met. 562.

SECT. 3. No child under the age of twelve years shall be employed in any manufacturing establishment more than ten hours in one day; and the owner, agent, or superintendent, who knowingly employs such child for a greater number of hours, shall forfeit the sum of fifty dollars for each offence, to the use of the person prosecuting therefor.

Amendments.—Chap. 285, 1867, supplementary to Section 1, 2, 3 of G. S.

[SECT. 1. No child under the age of ten years shall be employed in any manufacturing or mechanical establishment within this Commonwealth, and no child between the age of ten and fifteen years shall be so employed, unless he has attended some public or private day school under teachers approved by the school committee of the place in which such school is kept, at least three months during the year next preceding such employment: *provided*, said child shall have lived within the Commonwealth during the preceding six months; nor shall such employment continue unless such child shall attend school at least three months in each and every year; and *provided*, that tuition of three hours per day in a public or private day school approved by the school committee of the place in which such school is kept, during a term of six months, shall be deemed the equivalent of three months' attendance at a school kept in accordance with the customary hours of tuition; and no time less than sixty days of actual schooling shall be accounted as three months, and no time less than one hundred and twenty half days of actual schooling shall be deemed an equivalent of three months.

Child under 10 years shall not be employed nor under 15, unless, &c.

Proviso.

Shall so attend yearly day school, time in how construed.

SECT. 2. No child under the age of fifteen years shall be employed in any manufacturing or mechanical establishment more than sixty hours in one week.

Child under 15 not to work over 60 hours a week.

SECT. 3. Any owner, agent, superintendent or overseer of any manufacturing or mechanical establishment, who shall knowingly employ or permit to be employed any child in violation of the preceding sections, and any parent or guardian who allows or consents to such employment, shall, for such offence forfeit the sum of fifty dollars.

Penalty.

SECT. 4. It shall be the duty of the constable of the Commonwealth to specially detail one of his deputies, to see that the provisions of this act, and all other laws regulating the employment of children or minors in manufacturing or mechanical establishments, are complied with, and to prosecute offences against the same; and he shall report annually to the governor all proceedings under this act; and nothing in this section shall be so construed as to prohibit any person from prosecuting such offences.]

State constable to enforce and report to governor.

Chap. 207, 1862, Sect. 1 substituted for Sect. 4 of G. S.

[SECT. 1. Each city and town shall make all needful provisions and arrangements concerning habitual truants, and also concerning children wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in

By-laws respecting habitual truants, &c.
Fines.
1850, 294, § 1.
1854, 88, § 6.
1859, 196.
See § 6.

ignorance, between the ages of seven and sixteen years; and shall also make all such by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of such city or town; and there shall be annexed to such by-laws suitable penalties not exceeding twenty dollars, for any one breach: *provided*, that said by-laws shall be approved by the superior court sitting in any county in the Commonwealth.]

—violations of, how to be prosecuted. 1850, 294, § 2.

SECT. 5. The several cities and towns shall appoint at the annual meetings of such towns, or annually by the mayor and aldermen of such cities, three or more persons, who alone shall be authorized, in case of violation of such by-laws, to make the complaint and carry into execution the judgments thereon.

Amendment.—Chap. 207, 1862, Sect. 2, substituted for Sect. 6 of G. S.

Minor convicted may be committed, &c. 1852, 283, § 1. 1854, 88, § 3.

[SECT. 2. Any minor convicted of being an habitual truant, or any child convicted of wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, between the ages of seven and sixteen years, may, at the discretion of the justice or court having jurisdiction of the case, instead of the fine mentioned in the first (substituted for section 4, above,) section, be committed to any such institution of instruction, house of reformation, or suitable situation provided for the purpose, under the authority of the first (substituted for section 4,) section, for such time, not exceeding two years, as such justice or court may determine.]

On non-payment of fine, may be committed. How discharged. 1852, 283, §§ 2, 3. 1854, 88, §§ 3, 4. See Ch. 180.

SECT. 7. A minor convicted of either of said offences and sentenced to pay a fine may, in default of payment thereof, be committed to such institution of instruction, house of reformation, or suitable situation provided as aforesaid. And upon proof that the minor is unable to pay the fine, and has no parent, guardian, or person chargeable with his support, able to pay the same, he may be discharged by such justice or court, whenever it is deemed expedient, or he may be discharged in the manner poor convicts may be discharged from imprisonment for non-payment of fine and costs.

Warrants, where returnable. Compensation. 1854, 88.

SECT. 8. Warrants issued under this chapter shall be returnable before any trial justice or judge of a police court, at the place named in the warrant; and the justice or judge shall receive such compensation as the city or town determines.

Amendments.—Chap. 44, 1863, supplementary to Sections 7 and 8, Chap. 42.

[SECT. 1. Either of the justices of the police court of the city of Boston, and any judge or justice of any police court, and any trial justice, in this state, shall have jurisdiction within their respective counties of the offences described in chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two. (Sect. 4, G. S.)

SECT. 2. Whenever it shall be made to appear to any such justice, judge or trial justice, acting within his jurisdiction, upon a hearing of the case, that there is good and sufficient reason for the discharge of any minor imprisoned for either of such offences, he may issue such discharge under his hand upon such terms as to costs as to him seem just, directed to the person having the custody of such minor, and upon the service of the same on such person and payment of costs required, said minor shall be discharged.]

Chap. 128, 1863.

[SECT. 1. Any minor convicted under the provisions of the two hundred and seventh chapter of the acts of the year eighteen hundred and sixty-two (Sections 4, 5, G. S.,) in Dukes county, may be sentenced and confined in the farm school, so called, in the city of New Bedford, in the county of Bristol, in the same manner as if the same was in Dukes county.

SECT. 2. Any town in Dukes county from which any minor may be sentenced as aforesaid, shall pay to the city of New Bedford, for the support of every person so confined, the sum of two dollars for each and every week such person may remain at said school.]

Chap. 283, 1866.

Towns may provide for children of drunken and vicious parents.

[SECT. 1. Each of the several cities and towns in this Commonwealth is hereby authorized and empowered to make all needful provisions and arrangements concerning children under sixteen years of age, who by reason of the neglect, crime, drunkenness or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental control and education, or in circumstances exposing them to lead idle and dissolute lives; and may also make all such by-laws and ordinances respecting such children, as shall be deemed most conducive to their welfare and the good order of such city or town: *provided*, that said by-laws and ordinances shall be approved by the superior court, or in vacation by a justice thereof, and shall not be repugnant to the laws of the Commonwealth.

Persons to provide for execution of.

SECT. 2. The mayor and aldermen of cities and the selectmen of towns availing themselves of the provisions of this act shall severally appoint suitable persons to make complaints in case of violations of such ordinances or by-laws as may be adopted, who alone shall be authorized to make complaints under the authority of this act.

Judge or trial justice may send child to town institution.

SECT. 3. When it shall be proved to any judge of the superior court, or judge or justice of a municipal or police court, or to any trial justice, that any child under sixteen years of age, by reason of orphanage or of the neglect, crime, drunkenness or other vice of parents, is growing up without education or salutary control, and in circumstances exposing said child to an idle and dissolute life, any judge or justice aforesaid, shall have power to order said child to such institution of instruction or other place that may be assigned for the purpose, as provided in this act, by the authorities of the city or town in which such child may reside, for such term of time as said judge or justice may deem expedient, not extending beyond the age of twenty-one years for males, or eighteen years for females, to be there kept, educated and cared for according to law.

When children may be discharged.

SECT. 4. Whenever it shall be satisfactorily proved that the parents of any child committed under the provisions of this act, shall have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment; or whenever said parents being dead, any person may offer to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the directors, trustees, overseers or other board having charge of the institution to which such child may be committed, may discharge said child to the parents or to the party making provision for the care of the child as aforesaid.]

Gen. Stat., Chap. 165, Sec. 23.

Disturbance of schools and public meetings. 1849, 59. 1 Gray, 476.

SECT. 23. Whoever wilfully interrupts or disturbs any school or other assembly of people met for a lawful purpose, shall be punished by imprisonment in the jail not exceeding thirty days, or by fine not exceeding fifty dollars.

NORMAL SCHOOLS.

Chap. 70. Resolves of 1838.

WHEREAS, by a letter from the Honorable Horace Mann, secretary of the board of education, addressed on the twelfth of March current, to the President of the Senate and Speaker of the House of Representatives, it appears, that private munificence* has placed at his disposal the sum of ten thousand dollars to promote the cause of popular education in Massachusetts, on condition that the Commonwealth will contribute, from unappropriated funds, the same amount in aid of the same cause, the two sums to be drawn upon equally, from time to time, as needed, and to be disbursed under the direction of the board of education in qualifying teachers for the common schools; therefore

Resolved, That his excellency the governor is hereby authorized, by and with the advice and consent of the council, to draw his warrant upon the treasurer of the Commonwealth, in favor of the board of education, for the sum of ten thousand dollars, in such instalments, and at such times as said board may request: *provided*, that said board, in their request, shall certify that the secretary of said board has placed at their disposal an equal amount to that for which such application may be made by them; both sums to be expended under the direction of said board, in qualifying teachers for the common schools in Massachusetts.

Resolved, That the board of education shall render an annual account of the manner in which said moneys have been by them expended.

Chap. 49. Resolves of 1853.

Resolved, That the board of education be, and they are hereby authorized to establish a state normal school at some suitable place in the county of Essex, and that the sum of six thousand be, and the same is hereby appropriated from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, to defray the expense of providing a site, of erecting or purchasing a suitable building, and furnishing the necessary appurtenances and apparatus for said school; and that the same be

* Of Hon. Edmund Dwight.

expended for that purpose under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrants upon the treasury to the amount aforesaid.

Resolved, That the board of education be, and they are hereby authorized to purchase and receive grants of land in the name of the Commonwealth, and in suitable quantity, for the site of said building and the accommodation of said school; and that, before selecting said site, they be directed to receive propositions from towns or individuals in said county of Essex, in aid of the object of these resolves, and afterwards to make such selection as will in their opinion best subserve the interests and accommodate the wants of said school.

[In accordance with the foregoing Resolves, normal schools were established as follows:—

The first at Lexington, which was opened July, 1839; transferred to West Newton, September, 1844; and to Framingham in 1853. It receives as pupils only females.

The second was opened at Barre, September, 1839; was suspended in 1841; and recommenced at Westfield, September, 1844, and receives both sexes.

The third was opened at Bridgewater, September, 1840, and admits pupils of both sexes.

The last was established at Salem, and opened September, 1854, and is for females only.]

[COURSE OF STUDY IN THE NORMAL SCHOOLS.

The design of the Normal Schools is strictly professional; that is, to prepare, in the best possible manner, the pupils for the work of organizing, governing and instructing the public schools of the Commonwealth.

To this end there must be the most thorough knowledge: *first*, of the branches of learning required to be taught in the schools; and, *second*, of the best methods of teaching those branches.

COURSE OF STUDY.

The *time* of the course extends through a period of *two years;* and is divided into terms of twenty weeks each, with daily sessions of not less than five hours, five days each week.

BRANCHES OF STUDY TO BE PURSUED.

First Term.—1—Arithmetic, oral and written, begun. 2—Geometry begun. 3—Chemistry. 4—Grammar and Analysis of the English language.

Second Term.—1—Arithmetic completed; Algebra begun. 2—Geometry completed; Geography and History begun. 3—Physiology and Hygiene. 4—Grammar and Analysis completed. 5—Lessons once or twice a week in Botany and Zoölogy.

Third Term.—1—Algebra completed; Book-keeping. 2—Geography and History completed. 3—Natural Philosophy. 4—Rhetoric and English Literature. 5—Lessons once or twice a week in Mineralogy and Geology.

Fourth Term. 1—Astronomy. 2—Mental and Moral Science, including the principles and art of Reasoning. 3—Theory and Art of Teaching, including: (1.) Principles and Methods of Instruction; (2.) School Organization and Government; (3.) School Laws of Massachusetts. 4—The Civil Polity of Massachusetts and the United States.

In connection with the foregoing, constant and careful attention to be given throughout the course to drawing and delineations on the blackboard; music; spelling, with derivations and definitions; reading, including analysis of sounds and vocal gymnastics; and writing.

The Latin and French languages may be pursued as optional studies, but not to the neglect of the English course.

General exercises in composition, gymnastics, object lessons, &c., to be conducted in such manner and at such times as the Principals shall deem best.

Lectures on the different branches pursued, and on related topics, to be given by gentlemen from abroad, as the Board or the Visitors shall direct, and also by the teachers and more advanced scholars.

The order of the studies in the course may be varied in special cases, with the approval of the Visitors.

The Board deem it unwise to encourage the formation of regular advanced classes, whose instruction cannot fail to divert a considerable amount of the time and attention of the teachers from the under-graduate course; but graduates who wish to review any part of their course, or to make more thorough attainments in particular branches, and who are willing to render such assistance as may be needed in giving instruction in the schools, may, with the consent and under the direction of the Visitors, remain at the schools for a period not exceeding two terms.]

DEAF MUTES.

Chap. 311, 1867.

Governor may send to Clarke Institution or other school in State, pupils from five to ten years.

SECT. 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf mutes or deaf children between five and ten years of age, as he may deem fit subjects for instruction at the expense of the Commonwealth, to the Clarke Institution for Deaf Mutes at Northampton, or to such schools or classes as now are or may hereafter be established for the education of deaf mutes in this Commonwealth.

May draw warrant for instruction and support.

SECT. 2. The governor is hereby authorized to draw his warrant for such sums as may be necessary to provide for the instruction and support of the pupils named in the preceding section, not exceeding for each pupil, the amount which is now or may hereafter be paid by the Commonwealth, for the education and support of deaf mutes at the American Asylum at Hartford.

Board of education shall supervise instruction and report annually.

SECT. 3. The education of all deaf mutes who are now receiving or may hereafter receive instruction at the expense of the Commonwealth, shall be subject to the direction and supervision of the board of education; and said board shall set forth in their annual report the number of pupils so instructed, the cost of their instruction and support, the way in which the money appropriated by the Commonwealth has been expended, and such other information as said board may deem important to be laid before the legislature.

Governor may extend present term of pupils to ten years.

SECT. 4. The governor is hereby authorized to extend to ten years, the term of instruction now granted to deaf mutes educated at the expense of the Commonwealth.

SECT. 5. The sum of three thousand dollars is hereby appropriated for the education of deaf mutes in addition to the amount heretofore appropriated, to be paid from the treasury of the Commonwealth.

SECT. 6. All acts and parts of acts inconsistent herewith, are hereby repealed.

Chap. 200, 1868.

Governor may send to American Asylum at Hartford or to Clarke Institution, as parents, &c., prefer.

SECT. 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf mutes or deaf children as he may deem fit subjects for instruction at the expense of the Commonwealth, to the American Asylum at Hartford, or to the Clarke Institution for Deaf Mutes at Northampton, as the parents or guardians may prefer.

SECT. 2. The governor is hereby authorized to draw his warrant for such sums as shall be necessary to pay for the instruction and support of such pupils as may be sent to said institutions respectively, pursuant to the provisions of the preceding section.

May draw warrants, &c.

PUBLIC LIBRARIES.

General Statutes, Chap. 33.

TOWN AND CITY LIBRARIES.

SECT. 8. Each town and city may establish and maintain a public library therein, with or without branches, for the use of the inhabitants thereof, and provide suitable rooms therefor, under such regulations for its government as may from time to time be prescribed by the inhabitants of the town, or the city council.

Towns and cities may establish libraries. 1851, 305, § 1.

SECT. 9. Any town or city may appropriate money for suitable buildings or rooms, and for the foundation of such library a sum not exceeding one dollar for each of its ratable polls in the year next preceding that in which such appropriation is made; may also appropriate annually, for the maintenance and increase thereof, a sum not exceeding fifty cents for each of its ratable polls in the year next preceding that in which such appropriation is made, and may receive, hold, and manage, any devise, bequest, or donation, for the establishment, increase, or maintenance, of a public library within the same.

—may appropriate money and receive devises, &c., for that purpose. 1851, 305, §§ 2, 3. 1859, 25.

SOCIAL LIBRARIES.

SECT. 10. Seven or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of preserving, enlarging, and using, such library; with the powers, privileges, duties, and liabilities, of corporations organized according to the provisions of chapter sixty-eight, so far as the same may be applicable, and may hold real and personal estate to an amount not exceeding five thousand dollars in addition to the value of their books.

Proprietors of library may be a corporation, &c. R. S. 41, §§ 1, 3, 6.

Warning meeting, choice of officers, &c. R. S. 41, §§ 1, 2.

SECT. 11. Upon application of five or more of such proprietors, a justice of the peace may issue his warrant to one of them, directing him to call a meeting of the proprietors, at the time and place and for the purposes expressed in the warrant. The meeting shall be called by posting up the substance of the warrant in some public place in the town where the library is kept, seven days at least before the time of the meeting; at which, if not less than seven of the proprietors meet, they may choose a president, a clerk who shall be sworn, a librarian, collector, treasurer, and such other officers as they may deem necessary; and may determine upon the mode of calling future meetings.

Treasurer to give bond. R. S. 41, § 4.

SECT. 12. The treasurer shall give bond with sufficient sureties, to the satisfaction of the proprietors, for the faithful discharge of his duties.

Assessments. R. S. 41, § 5.

SECT. 13. Such proprietors may, by assessments on the several shares, raise such money as they may judge necessary for the purposes of preserving, enlarging, and using, the library.

[According to the returns of 1866, there were fifty *town and city libraries*, in the Commonwealth, containing 345,588 volumes.

The number of social libraries was two hundred and sixty-five, containing 643,866 volumes.]

CONSTITUTION OF MASSACHUSETTS.

PROVISIONS RELATING TO SCHOOLS.

Chap. 5, Sect. 2.

Duty of legislatures and magistrates in all future periods.

Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.

Amendments, Art. 18.

School money not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own school.

INDEX.

	Page.
Abstract of school returns required,	4
Adult schools, any town may establish them, &c.,	13
to be under the superintendence of school committee,	13
Agents of the board, may be appointed; their duties,	5
Apparatus, books of reference, &c., authority to purchase,	17
Assessors to ascertain, in May, number of persons between 5 and 15, and report, &c.,	30
Asylum for Deaf Mutes at Hartford,	42
Attendance of children in the schools, (see Children,)	33
Bible to be read daily in public schools,	16
Board of Education, how constituted,	4
term of office of members of,	4
vacancies in, how filled,	4
may take grants, &c., in trust, for educational purposes,	4
to pay over to State treasurer all money thus received,	4
duty and responsibility of State treasurer,	4
to prescribe form of school registers and blanks for returns, &c.,	4
to report annually to the legislature,	4
incidental expenses of, to be paid by the State,	6
may appoint a secretary; his duties,	4
may appoint agents; their duties,	5
assistant-librarian to be clerk of,	6
Books used in schools, not to be sectarian,	16
to be determined by committee,	17
changes in, how made,	17
if changes are made, to be supplied by the town,	17
to be supplied at cost,	17
how authority to purchase, to be exercised,	17
if not furnished by parents, to be supplied by the town,	17
expense of, so supplied, to be taxed to parents,	18
if parents unable to pay, tax to be remitted,	18
duty of committee to furnish them,	18
Children, to be sent to school, and penalty for neglect,	34
when such penalty not to be incurred,	34
duties of truant officers, &c., in relation to non-attendance of,	34

Page.
Children, may attend school in the place of their legal residence, . 34
when living remote from school, may attend in an adjoining town, &c., ... 34
under guardianship, may attend where guardian resides, . 34
may attend in other towns, with consent of committee, &c., . 34
not to be permitted to attend school until vaccinated, . . 34
not to be excluded on account of color, &c., ... 35
grounds of exclusion to be stated in writing, ... 35
if unlawfully excluded, how damages obtained, . . . 35
plaintiff may examine school committee, ... 35
when habitually truant, towns, &c., may make by-laws concerning, &c., ... 37
may be committed to institutions, &c., ... 37
employed in manufacturing establishments, attendance by, . 35, 36
penalty when employed in violation of law, &c., . . . 36, 37
of drunken and vicious parents, provision for, . . . 39
when orphan and neglected, proceedings in relation to, . . 39
Clarke Institution for Deaf Mutes, ... 44
Clergymen, duties of, to schools, ... 13
Clerk of school districts, to be chosen and sworn, and duties of, . 23
to hold office till successor is chosen, ... 23
liable only for want of integrity, ... 23
Committees. (See School Committee and Prudential Committee.)
Constitution of State, provisions of, for public schools, (Chap. 5, sect. 2. Amendments, Art. 18,) 47
Contiguous districts in adjoining towns, may unite, ... 28
terms of union and separation of, ... 28, 29
meetings of, how called; prudential committee of, how chosen, 28
raising money and assessment of taxes by, ... 28
school committee of, ... 28
County Associations. (See Teachers' Associations.)

Districts. (See School Districts.)

Educational institutions, returns of, ... 33

Female assistant, when average number of pupils exceeds fifty, . 13

High schools to be kept in towns of 500 families, ... 11
branches to be taught in, ... 11, 12
must be kept for the benefit of the whole town, . . . 11
to be kept not less than 36 weeks in each year, . . . 12
qualifications of teachers of, in towns of 4,000 inhabitants, . 12
number of families to be ascertained by latest public census, . 12
may be established by two adjacent towns having less than 500 families, ... 12
committees, location, and apportionment of expenses of, . 12, 13
duty of school committee in relation to, ... 34

Indian school fund, ... 10

Page.
Libraries, Public, towns and cities may establish, ... 45
money may be appropriated and devises, &c., received by towns, &c., for, ... 45
Social, proprietors of, may be a corporation, ... 45
may hold real and personal estate, ... 45
meetings of, and choice of officers, ... 46
treasurer of, to give bond, and assessments for, . . 46

Manufacturing establishments, children of certain ages not to be employed in, unless, &c., ... 36, 37
penalty for violation, &c., ... 36, 37
duty of committee respecting children in, ... 36
duty of State constable concerning, ... 37

Neglected children, (see Children,) 39
Normal schools, establishment of, ... 41
course of study in, ... 42

Prudential committees, how to be chosen, ... 22
general duties of, ... 22
may contract with teachers when the town so determines, . 22
may consist of three when authorized to contract with teachers, 22
if office of vacant, how filled, ... 22
if not chosen, duties of, to be performed by school committee, 22
in union districts, how constituted, and powers and duties of, 27
in districts formed by contiguous districts in adjoining towns, how chosen, and powers and duties of, ... 28

Registers. (See School Registers.)
Report of Board of Education and its secretary, required, . . 4
number to be printed. (See Gen. Stat., chap. 4, sect. 4.)
how received, delivered, &c., ... 32
preservation of, ... 32
Reports of school committees. (See School Reports.)
Returns. (See School Returns.)
of educational institutions, ... 33

Scholarships, State, Act establishing, repealed, ... 10
Schools, Public, towns to maintain a sufficient number of, six months each year, ... 11
branches to be taught in, ... 11
in which the higher branches are taught, (see High Schools,) 11
High, in adjacent towns, (see High Schools,) 12
when an average of fifty scholars in, a female assistant to be employed, ... 13
duty to, of instructors of colleges, ministers, &c., . . . 13
provisions of State constitution relating to, (see Constitution of Massachusetts, chap. 5, sect. 2. Amendments, Art. 18,) 47
towns to raise money for, to be assessed, &c., like other town taxes, ... 14

Page.
Schools, Public, funds of corporations not affected by provisions for, 14
forfeiture by town for neglect to raise money for, or to choose school committee, ... 14
three-fourths of forfeiture to be appropriated for, . . . 14
examinations of, and visits to, by committee, ... 16
Bible to be read in, daily, ... 16
sectarian books to be excluded from, ... 16
provisions respecting, in towns, to apply to cities, unless, &c., 20
wilful interruption or disturbance of, how punished, (see Gen. Stat., chap. 165, sect. 23,) 40
children not to be excluded from, on account of color, &c., . 35
School Committee, when and how chosen, and term of office, . . 14
vacancies in, how filled, ... 14
when the whole decline, how new committee elected, . . 15
term of service of member filling vacancy in, . . . 15
to continue in office for certain purposes, after, &c., . . 15
how number of, increased and diminished, ... 15
to appoint a secretary and keep records, ... 15
duties and authority of,—to contract with, examine, approve and dismiss teachers, visit and examine schools, require daily reading of the Bible, supply books, &c., . . . 16, 17
duty of, when school is for the benefit of the whole town, . 18, 34
compensation of, ... 18
to appoint superintendent of schools, &c., ... 18
not to receive compensation when superintendent is appointed, 18
to have charge of school-houses in towns not districted, and provide fuel, &c., ... 19, 20
how constituted and duties of, in high schools established by adjacent towns, ... 12, 13
to have superintendence, &c., of schools established for persons over 15 years of age, ... 13
forfeiture by the town for not choosing, ... 14
to perform duties of prudential committee in districts where none chosen, ... 22
may establish school and employ teacher in district which refuses or neglects to do so, ... 23
may provide school-houses in districts neglecting to organize, &c., ... 26
powers and duties of, in union districts, ... 27
to notify Secretary of Board of Education if blanks not received, ... 30
to make returns annually, ... 31
to cause school registers to be kept, ... 31
to return the manner of using the money received from the State, ... 31
to make detailed report, in print, annually, ... 31
to transmit two copies to Secretary of Board of Education, . 31
to deposit a copy with town clerk, ... 31
secretary of, to preserve one copy of report of board, &c., . 32

Page.

School Committee, chairman and secretary of, in certain cases, may sign certificate in the returns, ... 32
liable to forfeit compensation, if neglect to make returns, . 33
to inquire into neglect of parents, &c., ... 34
to have charge of high schools, with powers, &c., of prudential committees in districts, ... 18
to determine number and qualifications of scholars to be admitted to high schools, ... 34
to regulate attendance of scholars upon schools in adjoining towns, ... 35
not to allow children to attend school until vaccinated, . . 35
to prosecute owners, &c., of manufacturing establishments, &c., ... 36
of contiguous districts, when united in adjoining towns, how constituted, (see Contiguous Districts,) 28, 29
School Districts, towns may be divided into, ... 21
limits of, not to be altered, so as to change taxation oftener than once in ten years, ... 21
to be corporations for certain purposes, ... 21
may be abolished by towns, &c., ... 21
towns to vote on abolition of, every third year, . . . 21, 22
when abolished, not to be restored, ... 21
when abolished, corporate powers to continue for certain purposes, ... 22
may choose prudential committee, if town so determine, . 22
may fill vacancies in office of prudential committee, . . 22
if neglect or refuse to establish schools, &c., ... 23
meetings in, how called and warned, ... 23
to choose a clerk, ... 23
may raise money for school-houses, &c., ... 23
may fix site of school-houses, ... 23
school-houses for, may be provided by the town, . . . 24
if cannot determine the site, the selectmen shall do it, . . 24
penalty of, for not providing school-house, ... 24
taxes in, how and on whom, &c., to be assessed and collected, 24, 25
non-residents in, where taxed, ... 25
property of manufacturing corporations in, where taxed, . 24
taxes in, to be assessed like town taxes, ... 25
money raised in, how to be applied, ... 25
refusing to raise money, the town may order it, and may empower the selectmen, &c., ... 25
neglecting to organize, school committee may provide school-houses, &c., ... 26
duties, compensation, &c., of assessors, &c., in matters relating to, ... 26
School Funds, how invested; income only to be used, . . . 7
commissioners of, ... 7
income of, how distributed; how apportioned for schools, &c., 8
when towns are not entitled to share the income of, . . 9

Page.
School Funds, income of, how to be applied by towns, . . . 9
twenty-five per cent. of income of, may be used for purchase of books of reference, &c., ... 9
appropriations from income of, for schools among Indians, . 9
for teachers' institutes, ... 6
for teachers' associations, ... 7
School Fund, Indian, income of, how to be applied, ... 10
Todd Normal, income of, how to be applied, ... 10
School-houses, in towns not districted, to be maintained by towns, . 19
location of, to be determined by towns, ... 19
to be kept in good order by school committee, unless, &c., . 19
land not exceeding eighty square rods may be taken for, &c., 19
in such case, proceedings, jury, damages, costs, &c., . . 19
land for, to revert to owner, &c., ... 19
use of, to be under charge of school committee in towns not districted, ... 20
money may be raised for, ... 23
site of, how determined, ... 24
penalty for not providing, ... 24
money raised for the building and repairing of, to be at the disposal of committee, &c., ... 25
may be provided by school committee, when districts neglect to organize, ... 26
taxes for, how assessed and collected, ... 26
School Registers, to be sent to town clerks by Secretary Board of Education, ... 5
to be delivered by town clerk to school committee, . . 30
to be kept in all the public schools, ... 31
to be returned by teachers to school committee, . . . 33
if not properly kept, &c., teacher not entitled to payment, &c., 33
School Reports, to be made annually, in detail, by school committees, 31
to be printed, size of, two copies transmitted, &c., . . . 31
penalty for neglect by committee to prepare, print, &c., . . 32
duty of committees respecting, ... 32
if not received in time, secretary to notify of failure, . . 32
if informal or incorrect, to be returned, ... 32
penalty, when returned for correction, or not received, . . 32
School Returns, blank form of inquiries for, to be prescribed by the Board of Education, ... 4
blanks for, to be sent to town clerks, ... 30
if blanks not received, committees to notify, ... 30
to embrace number of children between 5 and 15, &c., to be certified under oath by school committee, ... 30
form of certificate for, ... 30, 31
to be transmitted to secretary of board, ... 31
to specify manner of using money received from State School Fund, ... 31
if not transmitted in time, secretary to notify, &c., . . 32
if informal, &c., to be returned for correction, . . . 32

Page.
School Returns, when so returned, town to forfeit ten per cent., &c., 32
when not received before June, town to forfeit whole share, &c., 32
if mailed in season, town exempted from forfeiture, . . 32
how may be signed in certain cases, ... 32
when not transmitted by neglect of committee, their compensation may be withheld, ... 33
Secretary of Board of Education, how appointed and duties of, . 4
compensation of, ... 5
Superintendent of Schools, appointment, duties, &c., of, . . . 18
when appointed, committee to receive no pay, . . . 18
compensation of, ... 18

Taxes in school district, may be voted by district and certified to assessors, ... 23
on personal estate and on all lands, if occupied by owner, in district where he lives, ... 24
on real estate of manufacturing corporations, in district where situated, ... 24
on land of non-residents, in districts where assessors determine, ... 25
on all land of a non-resident, in the same district, . . . 25
how assessed, abatement, collection of, ... 26
Teachers, selection and qualifications of, ... 16
to receive and file a certificate; when and how paid, . . 16
may be dismissed by school committee, &c., ... 16
Teachers' Associations, when entitled to receive money from the State, ... 6, 7
money to be paid on certificate, &c., ... 7
Teachers' Institutes, to be appointed on application of fifty teachers, 6
expenses of, how paid; length of sessions of, &c., . . 6
Truant Children, towns and cities may make regulations and by-laws, with penalties, concerning, to be approved by superior court, ... 37, 38
convicts, under such by-laws, may be fined or committed, &c., 37, 38
how discharged, if not able to pay fine, ... 38
proceedings against, &c., ... 38
Truant Officers, to be appointed, and duties of, ... 37

Union Districts, may be formed by contiguous districts, . . . 26
how organized; location of school-house of, ... 27
assessments in, how made; committee of, how constituted, and powers and duties of, ... 27
schools to be maintained in districts composing, . . . 27

Wards, where may attend school, ... 35

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